HOUSE OF REPRESENTATIVES—*Monday, April 2, 1990*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We exalt, O God, in the gift of freedom and the excitement of liberty, and are appreciative of all the opportunities to build and achieve in our lives. Yet, as we enjoy these gifts, so grant us, O God, the responsibility to use these gifts with wisdom and discretion, with integrity and honor. Remind us, gracious God, that You have given us commandments and moral instruction in the way of a responsible life so that we may lead good and holy lives one with another. In Your name, we pray. Amen.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Mississippi [Mr. MONTGOMERY] come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

The message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment, a joint resolution of the House of the following title:

H.J. Res. 500. Joint resolution to designate April 6, 1990, as "Education Day, U.S.A."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 388) "An act to provide for 5-year, staggered terms for members of the Federal Energy Regulatory Commission, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 393. An act entitled "Camp W.G. Williams Land Exchange Act of 1990";

S. 1230. An act to authorize the acquisition of additional lands for inclusion in the Knife River Indian Villages National Historic Site, and for other purposes;" and

S. 1859. An act to restructure repayment terms and conditions for loans made by the Secretary of the Interior to the Wolf Trap Foundation for the Performing Arts for the reconstruction of the Filene Center in Wolf Trap Farm Park in Fairfax County, VA, and for other purposes.

The message also announced, that pursuant to Public Law 93-29, as amended by Public Law 98-459, the Chair on behalf of the President pro tempore, appoints Dr. Virginia Zachert, of Georgia, from the private sector, to the Federal Council on the Aging.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Washington, DC, March 30, 1990.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 3:35 p.m. on Friday, March 30, 1990 and said to contain a message from the President whereby he transmits an amendment to the International Regulations for Preventing Collisions at Sea, 1972, as amended.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

AMENDMENT TO INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-169)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, April 2, 1990.)

UNLV BASKETBALL TEAM COMPOSED OF MIDDLE AMERICANS

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, as a UNLV alumnus, I come here not to praise my team or to talk about Duke. What concerns me is what is going on in the press.

They are a young team and they are young people, 18-, 19-, 20-year-olds who have been branded by many as thugs, or disreputable young men because they are junior college or community college transfers into UNLV, and these young people are condemned for some reason because they come out of the inner cities, and they play rough, tough, and hard basketball. But as the Loyola Marymount coach stated, they are a real class act.

Ever since the beginning of the tournament, at a time when even they did not know in their own tournament that Loyola Marymount would be in the tournament, they wore a black patch for Hank Gathers of Loyola Marymount, a team we have played consistently over the years, which they respect.

The team has worked hard to get into the NCAA finals. I do not say who is going to win tonight. I am not here with bragging rights, but I do not think it is wrong for a young person to go to a junior college or community college, or to fight his way into college and have to work hard and to be an average student.

I think it is important to recognize that UNLV is a State institution, a State college with low tuition, because we believe in Nevada that every young person in this country that wants to go to college should have the opportunity to go to college. We do not want to make it so expensive like a Duke, or Harvard, or Stanford, that one cannot get in. Only the upper one-tenth of 1 percent are eligible for those institutions.

Tonight when UNLV plays basketball, look out there, look at a bunch of kids that could be your sons, kids that want their education, enjoy their school, and are average, typical Americans that live in Nevada, that enjoy our State, and could be from any State in this country.

The University of Nevada Las Vegas is Middle America. We are not an elitist school. We will be playing for the average citizens of this country. We are not a school to not be proud of. I am an alumnus of that university, and I am proud to be a UNLV alumnus, and proud that this time our team is representing us out there.

When watching tonight, just remember they are average kids. They are not the upper one-tenth of 1 percent, but they are great kids, and they are playing hard.

TRIBUTE TO THE PAGE HIGH SCHOOL PIRATES OF GREENSBORO, NC

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, this is the season to praise basketball champions, and my district is no exception.

About a week ago the Page High School Pirates of Greensboro, NC, were declared the State 4A champs. The Pirates lost not a single game during the 1989-90 season while winning 31.

The average grade point average compiled by these basketball players is 3.8. The Pirates emphasize team performance over individual statistics, unselfishness for the good of the team was their motto.

At this time in our history, Mr. Speaker, when greed appears to be universally ubiquitous, here was a basketball team whose members emphasize the importance of academics over athletics, unselfishness over personal acclaim, hard work over frivolity.

Perhaps we can all learn from the example set by the Page Pirates, North Carolina's reigning 4A boys' basketball champions.

LEAVE A WAKE-UP CALL FOR NETWORK NEWS

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, last week, an anxious world learned from an overdose of press stories that President Bush has made a decision, on broccoli. The story that the President of the United States doesn't like broccoli was covered and recovered all week by a press corps seemingly anxious to torture us all with this mindless minutia.

While the world was being offered this not-quite award-winning news about the President's taste in vegetables, the television cameras and journalists covering the broccoli shipments to the White House continued to ignore the relentless march of famine and starvation in Ethiopia and Sudan, where hundreds of thousands of people are at risk of losing their lives very soon.

One expert, just returned from Sudan, told our congressional hearing that he saw old women 40 feet up in trees gathering leaves so that their families would have something to eat. Tree leaves for dinner. That's all there was. Hearings have been held in both the United States House and Senate on this impending disaster in the Horn of Africa, but not a single television camera is present to record the horror stories of those just returned from Ethiopia and Sudan to tell us of the men, women, and children bravely waging a battle against starvation.

How, I wonder, can the world's press spend a week chasing stories about broccoli and ignoring stories about mass starvation? How can they treat the light so seriously and the serious so lightly?

The winds of hunger blow every hour and every day. And, in an age when news and entertainment seem a tangled web, the issues of famine and hunger can't compete with the President's broccoli and the Trump's divorce. So will someone please leave a wake-up call for the network news. Starving men, women, and children need their attention. Now.

□ 1210

CONSIDERATION OF A CONSTITUTIONAL AMENDMENT ON FLAG PROTECTION

(Mr. DOUGLAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOUGLAS. Mr. Speaker, we are making progress on protecting that flag that hangs behind you here on the floor of the House.

As you know, 2 weeks ago we voted 309 to 101 to withdraw a brief filed on behalf of the House that said the Supreme Court can take its time deciding on the constitutionality of the Flag Protection Act. Luckily the House withdrew that brief and last week the Court announced that on May 25 it will hear oral arguments in a special session to determine the constitutionality of the Flag Protection Act.

If the act is upheld, that is the end of the problem. But I fear that it will not be upheld, and therefore I am very pleased that the Speaker has announced both in writing and orally to the cosponsors of the Michel-Montgomery amendment that in July after the Court hands down its opinion in June we will have a chance to vote on a constitutional amendment to properly protect our Nation's flag.

I still have at the desk discharge petition No. 7 that would compel a vote, but with the Speaker's announcement we at least know we will have a vote in July after the Court decision in June, and that is good news for those Americans who really want to properly honor and respect our Nation's flag.

CELEBRATING THE 25TH ANNIVERSARY OF THE OLDER AMERICANS ACT

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, in July the Nation will celebrate the 25th anniversary of the Older Americans Act which has helped millions of senior citizens to live happier and more fulfilling lives.

I am proud to be a cosponsor of House Concurrent Resolution 276, a resolution to celebrate this important silver anniversary.

The Older Americans Act was signed into law by President Johnson on July 14, 1965. In the past 25 years, the act has provided needed funds to States for the establishment of community planning, social services, and personnel training for senior citizens.

It has also provided, in 1988 alone, over 240 milion meals to needy elderly Americans, 40 percent of which were delivered at home.

I urge my colleagues in Congress to reauthorize the Older Americans Act when it expires in 1991.

The act is a proven, successful way to ensure America's elderly have an opportunity to lead happy, productive lives.

GENERAL LEAVE

Mr. DORGAN of North Dakota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from Virginia [Mr. BOUCHER].

The SPEAKER pro tempore (Mr. BENNETT). Is there objection to the request of the gentleman from North Dakota?

There was no objection.

THOUGHTS ON CONSTRUCTION OF A NEW FARM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. DORGAN] is recognized for 5 minutes.

Mr. DORGAN of North Dakota. I thank the Speaker.

Mr. Speaker, I will take just a few minutes today, but I did want to talk about the work of the U.S. House this week in constructing a new farm bill.

I just spoke on the floor a few minutes ago about what is happening in Ethiopia and Sudan. Hundreds of thousands of people are at risk of starvation. And not a month or two, or 6 months or a year from now; they are at risk now. These are folks who do not have enough to eat.

If anyone in this Chamber looked in the eyes of a young 1- or 2-year-old child in Ethiopia who is starving today, we would bleed for that young child. Yet that is happening in hundreds of thousands of cases.

In this country, we have something called the Farm Belt, stretching from North Dakota to Texas. We produce wonderful agricultural products. We built the most impressive, effective, ef-

ficient Farm Belt in the history of civilization.

And yet somehow the policymakers in this country have convinced us to look at our farming activities as some sort of national liability. It is not. It is a national asset of significant strength.

We produce food in great quantity. There are other people in the world who are starving.

We have found it very easy to snap our fingers and move guns to almost anybody in the world that wants them. We are wonderful at moving guns to governments that do not need them.

The question is, can we also raise food in great quantities and get food to people who in this world are desperately hungry, and do it in a way that gives those who produce it a decent return?

Now I have been hearing from my colleagues in Congress for a while about this wonderful, unprecedented economic expansion in America. They say we have had 7, 8, or 9 years of unprecedented economic expansion, economic growth? You will not witness that growth in the Farm Belt.

It has been great times in Hollywood, wonderful on Wall Street, and there are some States in between that have done quite well. About 16 States, as a matter of fact, have done very, very well.

But a whole lot of States in this country have suffered a long, protracted economic recession and North Dakota is one.

The collapse in commodity prices on the farm has thrown the Farm Belt into a literal recession. My State has had an 8-year price recession followed by 2 years of drought.

Now as we construct a farm bill this year, again working with the Committee on Agriculture in the House, what should we be trying to do? Should we be trying to decrease support prices for family farmers? I do not think so.

Everything that family farmers purchase is increasing in price: feed, seed, fertilizer, petroleum. So how can a farmer make it if what they purchase increases in price and if what they sell decreases in price?

President Bush says, "Let us take the target price for $4 per bushel for wheat down to $3.35." That is a prescription for economic failure of massive proportions in the Farm Belt.

It seems to me we ought to be developing a philosophy here in the Congress that our intent is to try to preserve the network of family farms and to construct a price support system that allows that to happen.

We do not need to pay price supports to someone who milks 3,500 cows. I do not care much about those folks. If they want to milk more than 100 cows, let them milk them at their own risk. We do not need to pay big price supports to big operators. If they want to farm two counties, God bless them. They have every right to do that in America. But the Federal Government does not have to be a financial partner.

□ 1220

However, a small family-sized farm faces an uncertainty that is not faced by another business person. Their price is subject to international whipsaws and price variations. It goes up and down, unpredictably, in ways we cannot understand or control.

For that reason, a long time ago we decided to provide some price supports for family farm units. Otherwise, when prices go down and stay down we would wash out all the family farmers. So, we built that little bridge over the price depression valley, and that was to help farmers across those international price depressions. Unfortunately, the bridge has become a set of golden arches, almost, for the largest farmers in the country.

Now, our job, it seems to me, is not to retreat on price supports, and not to decide we do not want to support family farmers. It seems to me family farmers are very important to this country. Our job is to determine how we can do that in a way that makes sense for them and makes sense for the country. It seems to me that everything we are doing in the farm bill ought to flow from this central philosophy. Our intent is to maintain and support a network of family-sized units in this country. If Americans think food is expensive now, how would they like to pay the cost of food produced by 2,000 megacorporations—then we would understand what food prices are all about.

Today, we have the highest quality food at the lowest cost of any industrial country in the world. Our agricultural system has worked to build the best system in the world, and now is losing family farms by the thousands, week after week, because they cannot make it when prices are below the cost of production.

We must do better. We can provide a better price support for family farmers at less cost to the Federal Government if we decide that it is family farmers we are going to support, rather than giant agriculture factories who want to farm county after county in America's heartland.

That is our challenge in the 101st Congress this year as we write the new farm bill.

THE INTRODUCTION OF THE INVESTMENT ADVISERS DISCLOSURE AND ENFORCEMENT ACT OF 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BOUCHER] is recognized for 5 minutes.

Mr. BOUCHER. Mr. Speaker, I am pleased to be joined today by seven of my colleagues on the Energy and Commerce Committee as well as the major trade associations representing the financial planning community, consumers, and State securities regulators as I introduce the Investment Advisers Disclosure and Enforcement Act of 1990.

Our goal is to provide better investor information and protection by reforming the Investment Advisers Act of 1940. The seven members of the Energy and Commerce Committee who join me as original cosponsors include Chairman JOHN DINGELL, Subcommittee Chairman ED MARKEY, and my colleagues DENNIS ECKART, JIM COOPER, JIM SLATTERY, and RON WYDEN.

Chairman DINGELL, Chairman MARKEY, and Mr. ECKART will be making their own statements of support. Following my remarks I would like to include, for the RECORD, statements of endorsement from the American Association of Retired Persons, the Consumer Federation of America, the International Association of Financial Planners, the Institute of Certified Financial Planners, the National Association of Personal Financial Advisers, and the North American Securities Administrators Association [NASAA].

Numerous press reports and studies have documented widespread fraud and abuse by financial planners. Estimates of investor losses range from hundreds of millions of dollars to more than $1 billion annually. The estimates continue to grow, and even the lowest estimates clearly point to the need for better regulation.

Individuals lose their life savings. Parents see their children's college educations put in jeopardy. Couples who have worked to have a financially secure retirement live their senior years in poverty.

The losses occur in a variety of ways:

Some who call themselves financial planners, or something similar, have no skill or training and, through negligence and inappropriate advice, incur avoidable losses for their customers.

Some unscrupulous practitioners gain custody over their customers' funds and through churning of the accounts exhaust the funds through unnecessary expenses.

Others simply steal the money.

A more typical form of abuse is self-dealing. Self-dealing occurs when a planner encourages a client to purchase a financial product for which the planner receives a special fee or commission when the product is sold. Financial planners hold themselves out to be objective advisers, but many of them have a hidden agenda. They are more product salespersons than they are objective sources of information.

In fact, the majority of those who call themselves financial planners make most of their income from the commissions they earn on the sale of the financial products they recommend. There would seem to be an inherent conflict of interest in an adviser purporting to offer objective advice, and then making recommendations in which he has a financial interest. But this practice is in fact widespread and generally quite legal.

Studies by the Consumer Federation of America and NASSA document the enormous annual losses that occur through this self dealing process. Most typically the consumer does not know the extent of the commission, or other incentive, that the planner is receiving for offering this supposedly objective advice.

The problems are serious. The abuses are growing. Better regulation is needed.

The Securities and Exchange Commission, which has authority over the industry, has acknowledged the absence of resources adequate to police investment advisers and financial planners. The SEC's staff for this function has not grown since 1980, during which period the number of registrations has tripled.

I am therefore persuaded that the best immediate help for investors is to empower consumers with the information they need to make a fully informed decision about the financial planners they select and the recommendations they make.

That is the purpose of the legislation. The bill has five essential provisions.

First it requires all practitioners, without regard to the financial product they recommend or sell, who hold themselves out to the public as financial planners, investment advisers, or similar terms, to register as investment advisers under the 1940 Investment Advisers Act. They will then have an obligation under Federal law to place their clients' interests above their own.

Second, the bill prohibits any misrepresentation of the qualifications of the financial planner. A statement of the education and experience of the practitioner will be required.

Third, the bill mandates full written disclosure to the customer of compensation, including fees, commissions, and other nonfinancial incentives which the practitioner will receive from anyone other than the customer when particular financial products are sold. This information is vital for the customer properly to evaluate the advice he receives.

Fourth, the bill creates a private right of action to enable customers to sue for damages when they sustain losses because of 1940 act violations. Not only are we providing a significant means of redress, but the mere presence of the private right of action will act as a significant deterrent to abusive planner practices.

Finally, consistent with a current SEC legislative proposal, we have established a list of civil penalties for the Commission to pursue under the act, enabling the Commission to enforce the act without having to go to court.

The organizations endorsing our legislation today are diverse. It's not often that businesses endorse a bill that provides greater regulation for their industry.

It is also a little unusual for industries to stand together with State regulators and consumers to endorse any legislation. I want to commend each organization represented today for the spirit of accommodation they have put forth in the interest of advancing public policy.

While the legislation is a major step forward, other efforts to combat financial planner misconduct will also be required. I want to stress the importance of the SEC maintaining its cooperative efforts to work with State regulators to combat fraud in the financial planning industry. We should also provide additional resources for the SEC so that its excellent staff can improve the auditing of financial planning firms, and take action where appropriate.

Finally, I want to note ongoing negotiations with the regulated professions of accounting, securities brokerage, and lawyers over the scope of their exemptions from coverage under the 1940 act. We were not able to conclude these negotiations prior to today, but I anticipate our accommodating their special concerns before the subcommittee markup commences.

In conclusion Mr. Speaker, there is clearly a need for better consumer information regarding financial planners and more effective enforcement of both the spirit and the letter of the Investment Advisers Act. I believe that the measure we are introducing today will, when enacted make significant progress in that direction. I urge my colleagues to join me in this effort. I yield back the balance of my time.

AARP Supports New Bill To Regulate Financial Planners

Washington, DC.—The American Association of Retired Persons (AARP) lent its support today to a new bill that would regulate financial planners for the first time.

AARP announced its support for the legislation at a Capitol Hill press conference held by the bill's sponsor, U.S. Rep. Rick Boucher (D-Va.)

"AARP has become increasingly concerned about the recent proliferation of investment advice services and their adverse impact on consumers," said Martin Corry, AARP's Director of Federal Affairs. "AARP is concerned that many older people seeking financial guidance fall prey to incompetent or unscrupulous individuals who give poor investment advice or who offer questionable sales promotions."

For older consumers, this impact can be particularly devastating and can often result in the loss of accumulated savings reserved for retirement.

Since millions of older people entrust their retirement savings and investment decisions to financial planners, Corry said AARP believes Congress should address problems in the financial planning industry.

AARP is the nation's leading organization for people age 50 and over. It serves their needs and interests through legislative advocacy, research, informative programs and community services provided by a network of local chapters and experienced volunteers throughout the country. The organization also offers members a wide range of special membership benefits, including Modern Maturity magazine and the monthly Bulletin.

CFA Endorses Representative Boucher's Financial Planners Disclosure and Enforcement Act

Washington, DC.—Today the Consumer Federation of America endorses the "Financial Planners Disclosure and Enforcement Act of 1990," introduced by Representative Rick Boucher (D-VA).

"CFA estimates that consumers lose or misinvest at least a billion dollars a year at the hands of unscrupulous and incompetent financial planners," said CFA financial planning specialist Barbara Roper. "The current regulatory system is a seive. Representative Boucher's bill would go a long way toward plugging the holes."

The Boucher bill attacks the two most serious financial planning abuses: use of financial planning by con men as the perfect cover for fleecing their victims and self-dealing by so-called "legitimate" planners who planning practice is little more than the hook to catch clients for the real money-making business of selling financial products.

The bill, which would amend the Investment Advisers Act of 1940, has four key elements:

It defines all financial planners as investment advisers, thus forcing them to register with and be inspected by the Securities and Exchange Commission, as well as requiring them to serve as fiduciaries who place their clients' interests before their own.

It mandates up-front detailed disclosure of compensation, including commissions and other awards from product sponsors, in actual dollar amounts and as a percentage of recommended investments, thus enabling consumers to determine before they spend their money whose interests the planner is really representing.

It gives the SEC a means of enforcing the law, short of criminal prosecution, by creating civil penalties for infractions of the statute.

It makes it easier for defrauded consumers to sue for redress by creating a private right of action under the Act for individuals who can demonstrate financial damages resulting from violations of the Act.

"We believe this combination of prevention and enforcement is the best approach to take to protest consumers from unscrupulous financial planners," Roper said. "We urge Congress to act quickly to put these protections in place."

"When all financial planners are subject to SEC oversigtht as investment advisers, con men will find it more difficult to set up as financial planners without triggering regulatory attention," she said. "When all planners are considered fiduciaries, those whose only interest is selling products will have to find a new way of doing business."

"By hitting financial planners where it hurts, in the pocket book, the civil penalties and private rights of action provisions will create an incentive for compliance with the act that previously has not existed," she continued.

The Boucher bill stands on its own as a strong consumer protection package, since its disclosure provisions and private rights of action provide consumer protections without straining the SEC budget. But any approach to consumer protection in this area must also address the inadequacy of SEC resources. For this reason, CFA also supports legislation to allow the SEC to keep the fees it levies and to adjust those fees to reflect budget requirements. Such a proposal is currently included in the international securities law enforcement bill (H.R. 1396), and CFA urges its passage.

(Consumer Federation of America is a coalition of more than 240 pro-consumer organizations with approximately 50 million members.)

The Institute of
Certified Financial Planners,
Denver, CO, March 2, 1990.

Congressman Rick Boucher,
428 Cannon House Office Building,
Washington, DC.

Dear Congressman Boucher: In keeping with our conversations with Mr. Larry Clinton, Legislative Assistant, we are writing to lend our support to your draft legislation which we have termed: "Financial Planners as Investment Advisers Disclosure and En-

forcement Act of 1990." We believe this title better connotes a premise of the draft bill—that financial planners and those using similar titles do act as investment advisers under most circumstances and should thus be registered as investment advisers.

Registration of investment advisers is a protection for the public, and the Institute has for many years encouraged and strongly recommended registration (federal and state) for its own members who offer investment advice. For years the Institute has required disclosure in writing and in advance of an engagement, for members participation in our Direct Public Awareness Program. Our support for your holding out provision is based on our belief that the public expects to receive investment advice when they engage the services of a personal financial consultant, financial advisor, or financial planner. For example, a July, 1987 survey the Institute conducted of subscribers to Sylvia Porter's Personal Finance magazine revealed that 75% of them expected to get such services. Therefore, failure to register as an investment adviser, thus enabling one to legally give investment advice under federal law, may mislead consumers engaging the services of financial planners, advisors, or consultants. Preventing misrepresentation is a purpose of the Investment Advisers Act of 1940.

However, the Institute's support for this holding our provision is conditional on similar treatment for all investment advisers. The financial services marketplace has changed dramatically over 50 years. If it ever was equitable for an individual attorney or accountant, for example, to be excluded from registration on the basis of title, it is no longer fair to do so if he/she is offering financial planning or investment advisory services. The public is similarly entitled to basic protection with any firm or entity which, in the changed marketplace, offers or provides such services. The statute should treat all advisors equally, and not condone some doing what ever they wish while others are held to specified standards. The Institute terms this concept a "level playing field" and our support of your bill is conditioned upon this principle. Otherwise, the bill would simply add more regulation upon the regulated, placing them at a competitive disadvantage with those exempted while performing similar services for the public.

We are similary supportive of the bill's disclosure provisions. Material disclosure by investment advisers goes to the heart of the federal statute. Potential clients need and deserve full and fair disclosure about an adviser's background, business practices, fees charged, potential conflicts of interest, etc. Again, these provisions must be uniformly applied. Proper public protection means no one actually giving investment advice should be exempted.

Lastly, we believe that the bill's provision of a private right of action is a more proconsumer, less costly approach to providing consumer protection there are self-regulatory approach proposed by others. Empowerment of the consumer should keep both investment advisers and federal regulators on their toes. But again, this needs uniform application to all investment advisers to ensure blanket protection to consumers.

The Institute does not view financial planning as synonymous with investment advising. Financial planning is a broader concept and involves advice on other topics besides securities. We are working with others on the state level, where professions are regulated, to also assure public protection. Nonetheless, we are pleased to join you and others in supporting this federal legislation which would provide greater assurances of protection to the investing public, and allow qualified and competent financial planners and investment advisers, who do put client interests first, to be treated identically with those who might otherwise hide behind a regulatory exclusion in offering investment advisory services.

Thank you for your leadership.

Sincerely,

ROBERT P. GOSS, Esq., CFP,
Executive Director.
GARY W. WEBSTER, CFP,
Chairman, Government Affairs Committee.

STATEMENT OF NAPFA

The National Association of Personal Financial Advisors strongly endorses the Investment Advisors Disclosure and Enforcement Act of 1990.

Financial planning has grown rapidly in the past ten years. By some estimates,[1] more than 250,000 individuals and companies now offer financial planning services to the public. The regulation of financial planners currently falls under the purview of the Securities and Exchange Commission (SEC). Unfortunately, the SEC's budget has not kept pace with growth in the financial planning industry. Furthermore, a recent SEC study of the financial planning industry[2] indicates that many financial planners do not comply with existing regulatory requirements.

The National Association of Personal Financial Advisors (NAPFA) is a non-profit trade association whose members are practicing financial planners nationwide. NAPFA has become alarmed by the following developments:

Studies by the Consumer Federation of America and the North American Securities Administrators Association (NASAA) that indicate fraud and abuse of consumers by financial planners is a growing concern.

That the majority of financial planners hold themselves out to the public as objective advisors, yet, at the same time, earn most of their income from the sale of investment products to their clients.

That most planners who earn income from the sale of investment products do not disclose this fact, as required by law, to clients.

That the number of investment advisors registered with the Securities and Exchange Commission has increased 217% since 1980, yet the SEC's staff years devoted to investment company and advisor matters during the same period increased just 13%.

NAPFA's support of this legislation is based on our understanding, as practitioners, of the financial planning engagement. A financial planner has privileged knowledge of a client's personal financial affairs. In order to provide effective guidance in decisions about financial strategies and choices among investment products, the planner must be fully aware of all aspects of the client's financial life. With complete understanding of the client's means and circumstances, the planner can provide truly useful counsel. However, with this knowledge the self-interested planner can also render extensive, sometimes irreparable, financial damage. NAPFA has become concerned that financial planners are not taking seriously their fiduciary responsibilities to the client.

NAPFA supports the proposed legislation because it empowers the consumer and reinforces the fiduciary nature of the relationship between planner and client.

The "private right of action" provision of this bill serves notice to the thousands of individuals who use the term "financial planner" that they must act prudently and with care when providing financial advice to clients. For the consumer it offers a powerful tool for rectifying damage from an advisor who has violated his or her fiduciary duty to the client.

The "holding out" provision of this bill appropriately extends the reach of the legislation to all financial advisory relationships, regardless of terminology. It is fitting that the legislation does not attempt to define financial planning, since it is the nature of the relationship with the consumer that must be protected.

Finally, and most importantly, the compensation disclosure requirements of this bill give the consumer the information needed to be an equal partner in the financial planning engagement. Part of the planner's fiduciary duty is to inform the client about the costs of the engagement. Disclosure of costs will do three things: discourage self-interested planners from abusing clients; encourage competition in the financial planning industry; and bring the discussion of costs into the open, allowing the client the opportunity to become educated about and participate in important planning decisions.

NAPFA is extremely encouraged by this legislation. We endorse it because it is a positive step forward in protecting consumers, because it is consistent with and supports existing regulatory efforts and because it fosters good business practices in the financial planning industry.

STATEMENT OF SUSAN E. BRYANT, PRESIDENT, NORTH AMERICAN SECURITIES ADMINISTRATORS ASSOCIATION; ADMINISTRATOR, OKLAHOMA SECURITIES COMMISSION

Thank you, Congressman Boucher.

I am here today to show the strong support of the North American Securities Administrators Association (NASAA) for the proposed "Financial Planners Disclosure and Enforcement Act." We believe this bill provides the tools needed for a meaningful federal crackdown on the fraud and abuse we have witnessed by some self-proclaimed financial planners.

State securities agencies have their hands full today fighting the growing number of con artists who masquerade as financial planners. If enacted, the proposed legislation would complement ongoing state-level initiatives to modernize and improve the laws protecting investors from unscrupulous as well as negligent financial planners.

NASAA—which, in the U.S., is the national organization of the state securities agencies—is gratified today to see that our longstanding concern about financial planner fraud and abuse has the ear of Congress. In 1988 NASAA released its 30-state study showing that more than 22,000 investors

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[1] "Financial Planning Abuses: A Growing Problem," A report of the Consumer Federation of America; July, 1987.

[2] "Financial Planners," Report of the Staff of the United States Securities and Exchange Commission to the House Committee on Energy and Commerce's Subcommittee on Telecommunications and Finance; February, 1988.

had lost a staggering $400 million in 79 major financial planning scams.

But the need for more federal enforcement is only part of the picture. This proposed legislation will also help solve the need for greater disclosure of the compensation and conflicts of those providing investment advice to the public. Studies by NASAA, the Consumer Federation of America (CFA) and the Securities and Exchange Commission (SEC) provide ample startling evidence that even otherwise "legitimate" investment advisers may be more interested in their own finances than those of their clients.

State securities agencies traditionally have played a key role in the regulation and oversight of financial planners and investment advisers and there is now a growing trend for even tighter state regulation of this industry. We are pleased to see that some of the important provisions of this proposed legislation are in fact patterned after the state model investment adviser law and regulations finalized by NASAA in 1987. As a result, NASAA encourages the adoption of the proposed Act, as currently drafted, not only to help close the gaps that exist in the federal investment adviser regulatory scheme, but also to foster even greater uniformity between state and federal regulatory provisions.

The SEC and its Investment Management Division should be commended for their valiant efforts to protect the interest of investors despite chronic limitations on staff and budget. The Division has worked effectively with states in moving in the direction of coordinated state-federal oversight of the investment advisory and financial planning industry. NASAA is pleased that the proposed legislation would allow for the continuation and even expansion of the joint state-federal programs now in place.

Congressman Boucher, NASAA appreciates your commitment to exploring new federal approaches to protecting consumers from fraud and abuse in the financial planning industry. It is abundantly clear to those of us "in the field" that the investment advisory and financial planning industry, if only because of the number of "bad apples" it has attracted, needs more scrutiny and oversight. We applaud the "Financial Planners Disclosure and Enforcement Act" as a well-drafted and serious-minded effort to get to work on the job that needs to be done on behalf of American investors.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DOUGLAS) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes each day, on April 2, 3, 4, and 5.

Mr. DOUGLAS, for 60 minutes, each day, on April 3 and 4.

(The following Members (at the request of Mr. DORGAN of North Dakota) to revise and extend their remarks and include extraneous material:)

Mr. DORGAN of North Dakota, for 5 minutes, today.

Mr. WASHINGTON, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BOUCHER, for 5 minutes, today.

Mr. SKELTON, for 30 minutes, today.

Mr. HUTTO, for 5 minutes, on April 3.

Mr. WASHINGTON, for 5 minutes, on April 3.

Mr. SKELTON, for 30 minutes each day, on April 3, 4, and 5.

Mr. LIPINSKI, for 5 minutes each day, on May 1, 8, 15, and 22.

Mr. LIPINSKI, for 60 minutes each day, on May 2, 9, 16, and 23.

Mr. DURBIN, for 60 minutes, on April 3.

Ms. PELOSI, for 60 minutes, on May 15.

Mr. MILLER of California, for 60 minutes, on April 4.

Mr. NAGEL, for 60 minutes, on April 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DOUGLAS) to include extraneous matter:)

Mr. MACHTLEY.

Mr. CONTE.

Mrs. MORELLA.

Mr. MCEWEN.

Mr. GEKAS.

(The following Members (at the request of Mr. DORGAN of North Dakota) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. DE LA GARZA in 10 instances.

Mr. SOLARZ.

Mr. CLEMENT.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 393. An act entitled "Camp W.G. Williams Land Exchange Act of 1990;" to the Committee on Interior and Insular Affairs.

S. 1230. An act to authorize the acquisition of additional lands for inclusion in the Knife River Indian Villages National Historic Site, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1859. An act to restructure repayment terms and conditions for loans made by the Secretary of the Interior to the Wolf Trap Foundation for the Performing Arts for the reconstruction of the Filene Center in Wolf Trap Farm Park in Fairfax County, VA, and for other purposes; to the Committee on Interior and Insular Affairs.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 500. Joint resolution to designate April 6, 1990, as "Education Day, U.S.A."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 388. An act to provide for 5-year, staggered terms for members of the Federal Energy Regulatory Commission, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On March 30, 1990:

H.R. 2692. An act to amend the Woodrow Wilson Memorial Act of 1968 to provide that the Secretary of Education and two additional individuals from private life shall be members of the Board of Trustees of the Woodrow Wilson International Center for Scholars.

On April 2, 1990:

H.R. 4099. An act to suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat.

ADJOURNMENT

Mr. DORGAN of North Dakota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 23 minutes p.m.) the House adjourned until tomorrow, Tuesday, April 3, 1990, at 12 noon).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2876. A letter from the Assistant Secretary for Installations, Logistics and Environment, Department of the Army, transmitting notification of the Department of the Army's intent to study the conversion to contract performance the Commercial Activities Program, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

2877. A letter from the Chairman, National Credit Union Administration, transmitting the 1990 annual report of the Administration, pursuant to 12 U.S.C. 1752a(d); to the Committee on Banking, Finance and Urban Affairs.

2878. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-183, "Board of Education Capital Construction Contracting Authority Temporary Act of 1990," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2879. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-182, "D.C. Public School Nurse Assignment Act of 1987 Amendment Temporary Act of 1990," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2880. A letter from the Chairman, Council of the District of Columbia, transmitting copies of the D.C. Act 8-138, "District of Columbia Comprehensive Plan Amendments Act of 1989" and D.C. Act 8-184, "District of Columbia Comprehensive Plan Amendments Act of 1989 NCPC-Recommended Amendments, and Closing of Public Alleys in Square 669, S.O. 88-452, Act of 1990," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2881. A letter from the Secretary of Transportation, transmitting the Department's views on the bill H.R. 1463, the "National Capital Transportation Amendments of 1989"; to the Committee on the District of Columbia.

2882. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposal to offer the VIP Security Course to Nicaragua's President-Elect Chamorro's security personnel, pursuant to 22 U.S.C. 2349aa-3(a)(1); to the Committee on Foriegn Affairs.

2883. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions for Don Melvin, of Indiana, to hold the rank of Minister during his tenure of service as the U.S. Representatives on the Council of the International Civil Aviation Organization, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2884. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2885. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled, "Debt Collection Act amendments of 1990"; to the Committee on the Judiciary.

2886. A letter from the Secretary of Veterans Affairs, transmitting the Department's views on H.R. 1397, a bill entitled the "Veterans' and Survivors' Compensation Indexing Act" and H.R. 2644, a bill to amend section 3001 of title 38 to authorize VA to require mandatory disclosure of claimants' and dependents' Social Security numbers in all claims for disability and death benefits; to the Committee on Veterans' Affairs.

2887. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to amend Federal laws in order to extend the low-income housing credit, and for order purposes; to the Committee on Ways and Means.

2888. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend Federal laws in order to extend the low-income Home Energy Assistance Act of 1981; jointly, to the Committee on Education and Labor and Energy and Commerce.

2889. A letter from the General Counsel, Department of Defense, transmitting draft language to transfer jurisdiction, custody, and control of the Pentagon reservation from GSA to the Department of Defense; jointly, to the Committees on Armed Services, Public Works and Transportation, and Government Operations.

2890. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, economically distressed areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes; jointly, to the Committee on Ways and Means; the Judiciary; Banking, Finance and Urban Affairs; Public Works and Transportation; and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina. Committee on Merchant Marine and Fisheries. H.R. 4009. A bill to authorize appropriations for fiscal year 1991, for the Federal Maritime Commission, and for other purposes; with an amendment (Rept. 101-440). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOUCHER (for himself, Mr. DINGELL, Mr. MARKEY, Mr. ECKART, Mr. COOPER, Mr. SLATTERY, and Mr. WYDEN):

H.R. 4441. A bill to permit private remedies to be used for the enforcement of the Investment Advisers Act of 1940, to improve the disclosure to customers of investment advisers under that act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RICHARDSON (for himself, Mr. MATSUI, Mr. TORRES, and Mr. BUSTAMANTE):

H.J. Res. 536. Joint resolution approving the findings of the Comptroller General of the United States contained in the General Accounting Office [GAO] report, dated March 29, 1990, regarding employer sanctions; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. MCEWEN:

H. Con. Res. 296. Concurrent resolution in support of Lithuanian independence; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

343. The SPEAKER presented a memorial of the Legislature of the State of California, relative to timber exports; jointly, to the Committees on Agriculture, Foreign Affairs, and Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. RICHARDSON introduced a bill (H.R. 4442) for the relief of Carmen Etienne, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2121: Mr. FOGLIETTA and Mr. MORRISON of Connecticut.

H.R. 3037: Mr. VISCLOSKY and Mr. CLAY.

H.R. 3356: Mr. FAUNTROY.

H.R. 3520: Mr. TORRES.

H.R. 3909: Mr. FALEOMAVAEGA, Mr. CHAPMAN, Ms. KAPTUR, Mr. JONTZ, Mrs. MORELLA, Mr. HATCHER, Mr. QUILLEN, Ms. LONG, Mr. PANETTA, Mr. CAMPBELL of Colorado, and Mr. ATKINS.

H.R. 3998: Ms. SLAUGHTER of New York.

H.R. 4060: Mr. MRAZEK.

H.R. 4147: Mr. ACKERMAN.

H.R. 4208: Mr. FROST, Mr. MOODY, Mr. WHEAT, Mr. HATCHER, Mr. BARNARD, and Mr. FAZIO.

H.R. 4369: Mr. IRELAND and Mr. NEAL of North Carolina.

H.R. 4393: Mr. ECKART.

H.J. Res. 439: Mr. NIELSON of Utah.

H. Con. Res. 268: Mrs. MORELLA.

H. Con. Res. 289: Mr. MANTON, Mr. BATES, Mr. GEJDENSON, Mr. YATRON, Mr. ROHRABACHER, Mr. FAUNTROY, Mr. DERRICK, Mr. TORRES, Ms. PELOSI, Mr. NEAL of Massachusetts, and Mr. SYNAR.

SENATE—*Monday, April 2, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. As we reverence God, our Creator and our Judge, the prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

It is a good thing to give thanks unto the Lord, and to sing praises unto thy name, O most High: To shew forth thy loving kindness in the morning, and thy faithfulness every night.—Psalm 92:1, 2.

Almighty God, Lord of history and Ruler of the nations, we acknowledge Your supreme Lordship in the words of President John Adams as he welcomed Congress to this building for the first time in November 1800. He said: "It would be unbecoming the Representatives of this Nation to assemble, for the first time, in this solemn temple, without looking up to the Supreme Ruler of the Universe, and imploring His blessing.

"May this territory be the residence of virtue and happiness! In this city may that piety and virtue, that wisdom and magnanimity, that constancy and self-government which adorned the great character whose name it bears, be forever held in veneration! Here, and throughout our country, may simple manners, pure morals, and true religion flourish forever!"

Glory to God in the highest, world without end. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders today, there will a period for morning business not to extend beyond 1:30 p.m. with Senators permitted to speak therein for up to 5 minutes each.

At 1:30, the Senate will resume consideration of the clean air bill, S. 1630. There will be no rollcall votes today. Any rollcall votes ordered relative to amendments offered today will be stacked to occur tomorrow.

The managers hope to offer a managers' package of allowance amendments tomorrow morning, with consideration of that package during tomorrow's session, as well as consideration of any other amendments which may be offered.

I again encourage Senators with listed amendments to come forward today and tomorrow to offer their amendments. The purpose of today's session is to permit any Senator who has an amendment to offer it and to permit it to be debated fully and fairly.

On tomorrow, the Senate will complete action on this bill no later than 8 p.m. It is my hope we could do so even earlier than that, but in any event not later than 8 p.m. tomorrow.

FOREIGN AID REQUEST FOR PANAMA AND NICARAGUA

Mr. MITCHELL. Mr. President, the President has asked the Congress to approve $800 million in emergency aid for Panama and Nicaragua. In response to that request the Foreign Relations Committee has moved quickly to report out an authorization bill which substantially fulfills the President's request. I hope that the Senate can proceed immediately to consideration of the authorization bill.

We recognize the need to assist the newly elected democratic Governments of Panama and Nicaragua. But we want to do it in the right way.

In the request for emergency aid for Panama and Nicaragua the administration is asking Congress to put together a jigsaw puzzle without any overall picture and without all the pieces.

By approaching foreign aid on a country by country basis and in one-shot increments, the administration has provided no overall or long-term view of how all the pieces can and should fit together. They have provided no rationale as to how this request relates to other parts of the budget—to other foreign aid spending, to defense or domestic spending, or to the deficit.

The administration asks that we approve a one-shot infusion to Panama and Nicaragua by cutting the defense budget. But they provide no information for the long-term needs in Panama and Nicaragua. And what about Eastern Europe? What about other parts of the world? What are the offsets for any other increases? Are they "zero-sum" within the foreign aid accounts, or do they require increases in the deficit or additional cuts in domestic or defense spending?

The administration does not have a 5-year plan or a 3-year or a 2-year plan for foreign aid; indeed they offer no plan at all. They have not explained how any plan would be affordable in relation to their other spending plans; they have not outlined the relationship of any plan to our national security objectives.

For example, to pay for the aid to Panama and Nicaragua, the administration now supports using defense offsets which were originally planned to be used to avoid layoffs of military personnel. Is foreign aid now more important to the administration than keeping our men and women in uniform? If so, they should say so.

I intend to have the Senate deal as quickly as possible with the genuine emergency needs for Panama and Nicaragua. But I do not believe we should appropriate the full amount requested until the administration submits a meaningful long-term foreign aid plan, relates it to the rest of the budget, and explains how it is justified in terms of our overall goals and requirements for emerging democracies as well as other nations throughout the world.

It makes little sense for the Congress to continue to lurch from country to country on piecemeal emergency foreign aid requests for different parts of the world without some kind of an overall long-term plan which spells out our Nation's overall foreign policy requirements and objectives and relates those to the budget process.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all the time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection the time of the two

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

leaders that has not yet been used will be reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, there will now be a period for the transaction of morning business until the hour of 1:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader is recognized under the order, his time having been fully reserved by unanimous consent at the request of the majority leader.

MISSING THE APRIL 1 BUDGET DEADLINE

Mr. DOLE. Mr. President, it is no April Fools' Day joke: The April 1 deadline for reporting a budget resolution has come and gone without the Budget Committee scheduling a single mark up session. But, apparently no one has noticed.

How can this be? If my memory serves me correctly, the Budget Committee in January refused to give the President an extension on his budget deadline. They claimed that the, "budget could have been produced on time if—Darman—had really wanted to produce it on time."

As usual, it is always easy to criticize. But now the shoe is on the other foot and the committee is strangely silent.

It is going to be harder to put together a viable budget resolution this year than other years. That is because we have so far to go to meet the Gramm-Rudman-Hollings target. Depending on who you believe, anywhere from $37 billion to almost $50 billion to, some say, $100 billion is needed to prevent a sequester. I, personally, think we will need somewhere around the $50 billion figure.

If you remember last year we spent 10 months and over 60 percent of our rollcall votes in the Senate to reduce the deficit by only $16 billion.

To find this year's required deficit reduction amount, we will need more than time. We will need leadership which, up to now, has been in short supply. Yes, there are some tough choices we have to face up to like how to handle the Social Security trust funds, the Rostenkowski proposal, child care, long-term care, helping new democracies in Europe and Latin America, drugs and the S&L crisis. But it is not going to get any easier, from the way I look at it, if we continue to put everything off.

So I suggest that on a bipartisan basis we get down to work and not put off the markup another day. The American people, if they fully understood the ramifications of the budget process and fully understood that we have had to increase the debt ceiling to over $3 trillion—that is trillion dollar with a T—they would understand the need for action and action now on the budget.

Earlier this morning, I had the opportunity to speak with about 200 high school seniors from around the country. Their topic was the budget and the budget process. It seems to me we have, in effect, said that these young people will have less opportunity and more responsibility if those of us who are here today do not fulfill our responsibilities in acting on the budget and the budget deficit.

Mr. President, I suggest it is always difficult to put together a budget. I know when the Republicans were in control of the Senate, we had difficulty meeting the deadlines, but the deadlines are there. They are targets. I hope we can work together in meeting the deadlines so we can send a strong signal to the American people and the financial markets that we are serious about the budget and the deficit and its impact on the American and international economy.

Mr. President, I ask unanimous consent that a copy of the budget process timetable be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPENDIX VII—BUDGET PROCESS TIMETABLE: FISCAL YEARS 1989-93

January 1: Date from which deficit reduction is measured.

First Monday after January: President submits budget to Congress.

February 15: CBO issues annual report to Budget Committees.

February 25: Committees submit views and estimates to Budget Committees.

April 1: Senate Budget Committee reports budget resolution.

April 15: Congress completes budget resolution.

May 15: Appropriations bills may be considered in the House.

June 10: House Appropriations Committee reports last annual appropriation bill.

June 15: Congress completes reconciliation.

June 30: House completes action on annual appropriation bills.

July 15: President submits mid-session budget report.

August 15: OMB and CBO estimate deficit for upcoming fiscal year. Presidential notification regarding military personnel.

August 20: CBO issues its initial report to OMB and Congress.

August 25: OMB issues its initial report to President and Congress. President issues initial sequester order.

September 6: Deadline for President's explanatory message on initial order.

October 1: Fiscal year begins.

October 10: CBO submits revised report to OMB and Congress.

October 15: OMB issues its revised report to President and Congress. President issues final sequester order, effective immediately.

October 25: Congressional alternative to presidential order, if any, developed and adopted.

October 30: Deadline for President's explanatory message on final order.

November 15: Comptroller General compliance report issued.

NOMINATION OF TIMOTHY RYAN, JR.

Mr. DOLE. Mr. President, I hope the nomination of Timothy Ryan to be head of the OTS can be acted upon this week. I only briefly visited with the majority leader, but it is critical, with next week being the Easter recess week, that we take action as quickly as possible. It is an important nomination.

In my view, the nominee will be confirmed. I think the question largely will be on whether or not he has the experience. He has been in the Labor Department, a labor lawyer, a good background. He gets good marks wherever he has worked in public life. The question is whether he has the experience to deal with financial institutions. That is certainly a legitimate question.

Let me also suggest that many of us—probably all of us—have taken actions and voted to take certain actions with reference to savings and loans and financial institutions. I think if anyone looks at the record, we have demonstrated that even though there is a lot of experience in this Chamber, mistakes can be made. We do have the S&L crisis and certainly if that is the kind of experience we are looking for, I hope we do not find it. Now we are told the S&L crisis may cost the taxpayers as much as $300 billion.

So I hope we move quickly on the Ryan nomination and do that after we complete action on the clean air bill tomorrow on or before 8 p.m.

Mr. President, I reserve the remainder of my time.

The PRESIDENT pro tempore. Without objection, the time of the two leaders that remains to them under the standing order will be reserved.

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

VANDERBILT COMMODORES WIN NATIONAL INVITATION TOURNAMENT

Mr. SASSER. Mr. President, I am pleased to take this opportunity to recognize the men's basketball team of my alma mater, Vanderbilt University.

Last Wednesday night in New York City, the Vanderbilt Commodores won the National Invitation Tournament with a victory over St. Louis University. This win represents more than just a trophy or an award for the school. Vanderbilt's exciting string of five victories—after being eliminated from the Southeastern Conference Tournament—is an example of the perseverance, faith, and determination of each and every member of the team and their coaches.

In his first year as the head coach for Vanderbilt, Eddie Fogler has continued the winning tradition of former coach C.M. Newton, who led the Commodores to the NCAA Tournament the past 2 years—advancing all the way to the Sweet Sixteen in 1988. Coach Fogler proved his reputation as an excellent motivator and leader of men by taking a team of players whose season appeared to be over in February and molding them into a championship unit still playing at the end of March. In addition to winning the championship, Vanderbilt placed two players—Scott Draud and Todd Milholland—on the All Tournament Team, with Draud being named as the tournament's "Most Valuable Player."

Mr. President, I share the joy and pride of the 3,000 to 4,000 Vanderbilt fans who greeted the team at the Nashville Airport last Thursday and celebrated the team's first postseason tournament title. I join with them in hoping that this is the first of many championships to come.

REPEAL OF EMPLOYER SANCTIONS

Mr. CRANSTON. Mr. President, several days ago I joined the Senator from Massachusetts [Mr. KENNEDY], the Senator from Utah [Mr. HATCH], and the Senator from Arizona [Mr. DECONCINI], in introducing Senate Joint Resolution 280, a joint resolution which would approve the finding of a recent General Accounting Office [GAO] report regarding the employer sanctions provisions of the Immigration Reform and Control Act of 1986 [IRCA].

Mr. President, the GAO report does not mince words. It confirms what many of us feared—that the use of employer sanctions, that is the imposition of civil and criminal penalties on employers who hire persons without legal authority to work in this country, results in widespread discrimination against those who are perceived as being "foreign." In other words, because of employer sanctions men and women who are U.S. citizens, permanent residents, or have legal authority to work in this country are being denied employment or are having the law selectively enforced against them.

Mr. President, we must control our borders, but this is not the way. Hundreds of thousands of employers, fearing sanctions, are refusing to hire Hispanics, Asians, and other minorities for employment because they "look foreign" or "sound foreign." No less insidious is the practice of requiring work authorization documents from only those persons who are perceived to be foreign. In my view, the human indignity and economic hardship that are the direct results of this so-called deterrent to illegal immigration are simply too great a price to pay. The cost in terms of damage to our fundamental constitutional and moral commitment to freedom from bigotry and discrimination is unconscionable. I urge my colleagues to reject this failed experiment by supporting Senate Joint Resolution 280, which provides us with the mechanism to sunset these sanction provisions.

Mr. President, while I have always been vehemently opposed to the employer sanction provisions of IRCA, GAO's recent findings exceeded my worst expectations. According to GAO estimates, which by its own admission are conservative, a staggering 891,000, or 19 percent of the 4.6 million employers in the survey population nationwide, are reported as "beginning discriminatory practices because of the law." An estimated 461,000 employers, or 10 percent of the survey population, are discriminating on the basis of national origin, and 430,000 employers, or 9 percent of the survey population, are discriminating on the basis of citizenship status. I was especially dismayed but not surprised to learn that the percentages are even higher in cities with large Hispanic and Asian populations. In Los Angeles an estimated 29 percent of the employers practiced some form of discrimination as a direct result of sanctions.

This is an intolerable situation that must be put to a stop. Since the GAO issued this report last week there have been calls to stay the course with employer sanctions, but to perhaps fine-tune the legislation and its enforcement. If the fine-tuning refers to the strengthening of the antidiscrimination provisions of IRCA, I applaud the intent, but I am not at all confident that the discrimination will dissipate as a result. National origin discrimination is on the rise in this country because of employer sanctions, and it is simply not fair for us to ask the victims of this discrimination to continue to endure it while we try to devise a way to prevent it. An absolute repeal of the sanctions is the only right thing to do.

I am also alarmed by the call of some of my colleagues to fine-tune the verification requirements of the sanctions program by mandating some form of national identity card for citizens and aliens alike. Given that much of the discrimination caused by sanctions is occurring well before employers ask for proof of work authorization, I fail to see how these cards would stem the discrimination. Further, the specter of a mandated identity card is something I believe most Americans, including myself, could not support. An America where each and every one of us is required to carry a national identity card is incompatible with the practice of freedom we currently enjoy in our society. A system of national identity cards is decidedly not the path we should be considering.

Mr. President, the sanction provisions have proven unworkable. It is time to cut our losses and repeal them. By adopting the findings of the GAO report we have an opportunity to sunset these provisions once and for all. I look forward to working closely with my friend from Massachusetts [Mr. KENNEDY] in getting the joint resolution passed. I urge my colleagues to join me in supporting Senate Joint Resolution 280.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,843d day that Terry Anderson has been held in captivity in Beirut.

HONORING THE SPRINGFIELD, SD, DWIGHT WOOD AMERICAN LEGION POST AUXILIARY UNIT NO. 132

Mr. PRESSLER. Mr. President, I recently received a very heartwarming letter from Evelyn Tjeerdsma of Springfield, SD, describing some of the activities conducted by the Dwight Wood American Legion Post Auxiliary Unit No. 132. She described some of the many projects undertaken by her local American Legion auxiliary. These projects are just a few examples of the extensive community involvement by members of the American Legion and Auxiliary throughout South Dakota and the Nation. The good deeds done by these patriotic Americans should not go unsung and this is a good opportunity to spread some good news. Mrs. Tjeerdsma lists

a variety of projects including donations to the Special Olympics, the Make a Wish Foundation, and promotion of local blood drives. The members of the American Legion and Auxiliary deserve our heartfelt gratitude for their daily contributions to the betterment of our local communities. I ask unanimous consent that Mrs. Tjeerdsma's letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SPRINGFIELD, SD,
March 26, 1990.

HON. SENATOR LARRY PRESSLER: Our American Legion Auxiliary Unit #132 of Springfield, S. Dak. are proud to tell you of our accomplishments as a Unit.

Our donating of money includes for the Special Olympics, Four Chaplains, emergency Aux. fund & collect broken glasses for the needy.

The latest project is collecting "pull tabs" from any pop or beverage & these tabs in turn are sold & the money sent to "Make A Wish Foundation" in which children who are terminally ill make wishes & we help them come true, if at all possible. Their wishes may be to go to Disney Land or see a famous person who means a lot to them.

Last fall our unit became involved with the "blood doner" project in which our community are called individually by our unit & asked to give blood & when any one is in need they do not have to replace it, but we as a unit are credited for the many pints of blood given & the response was a tremendous turnout. We intend to do this again next month.

EVELYN TJEERDSMA,
Dwight Wood Post #132.

MORALITY AND RELIGION: CORNERSTONES OF EDUCATION FOR A FREE SOCIETY

Mr. HELMS. Mr. President, ever so often all of us run across young people who are especially impressive and who demonstrate an innate ability to perceive vital truths about the history and hopes of mankind.

Some weeks ago, I met a 15-year-old young man from Vienna, VA, David Chandler Seng, a ninth grader who is a student at Fairfax Christian School in Vienna. David is the kind of youngster whom one instinctively likes. During a visit to my office, David mentioned that he had written a paper which had been entered in an essay contest sponsored by the Foundation for Economic Education. I told David's mother, after reading the text of her son's paper, that in my book he is a sure winner—perhaps not in this particular contest, but certainly in the context of living a constructive and meaningful life.

Mr. President, I believe Senators will be interested in reading the essay written by David Seng. I therefore ask unanimous consent that the paper be printed in the RECORD at the conclusion of my remarks.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

MORALITY AND RELIGION: CORNERSTONES OF EDUCATION FOR A FREE SOCIETY

(By David Chandler Seng)

Education for a free society must have a moral and religious basis. John Adams once remarked, "Our Constitution was made only for a moral and religious people, and is wholly inadequate to the government of any other."[1] He also made the point that, "A patriot must be a religious man."[2] James Madison said, "The belief in a God, all powerful, wise, and good, is essential to the moral order of the world . . ."[3]

The concept of freedom (liberty) is so important in the education for a free society that it cannot be overlooked. Freedom, as commonly understood, is the idea of not being under another's unreasonable control (i.e. the power to do and think without being unduly coerced or forced). One of our founding Fathers, Thomas Jefferson, said, "Can the liberties of nations be thought secure when we have removed their only firm basis, a conviction in the minds of the people, that these liberties are . . . the gift of God?"[4]

Western morality, as held by the Founding Fathers, was the treasure and protectorate of Christianity. Christians have always held that intellectual education must not be separated from moral and religious instruction. Education is the provision for suitable instruction to fit a child for the duties of adult life. This all-encompassing education is primarily the right and duty of the parents. How can it thus be part of the normal function of the state to teach? The state should not hamper the reasonable liberty of parents in a choice of schooling and education for their children; nor may the state interfere with parental responsibility, especially in the teaching of morality and religion.

Morality may be defined as human conduct to the extent that it is freely subordinated to the ideal of what is right and fitting. Christianity has customarily held that morality and religion are essentially connected and that without religion the observance of the moral law is impossible. For this reason Christianity has long held that certain conditions are required for the growth and development of morality in the individual and society, namely: (a) a right education of the young; (b) a healthy public opinion, and (c) sound legislation.

According to Christianity, right education for the young includes early training in the home. The family is the true school of morality and its good effects will remain for a whole lifetime. It is in the home that the child learns obedience, truthfulness, purity, self-restraint, and the other primary virtues. Christianity traditionally requires that the best scholastic education is the one that is given in a moral and religious atmosphere. Morality and religion go hand in hand. Both are an integral part of the education freely chosen by parents for their children. One hundred years ago Mark Hopkins, a great American educator, college president for almost forty years, and professor of intellectual and moral philosophy, once remarked that "everywhere the tendency has been to separate religion from morality, to set them in opposition even. But religion without morality is a superstition and a curse; and anything like adequate and complete morality without religion is impossible."[5]

Religion as a basis for morality is essential for good living. Carl Jung, the psychiatrist, said, "Among all my patients, there has not been one whose problem in the last resort was not that of finding a religious outlook on life. It is safe to say that everyone of them fell ill because he had lost that which the living religion of every age has given to its followers, and none of them have been really healed who did not regain his religious outlook."[6] Religion nourishes the soul of people so they can live active, healthy and happy lives in a free society. Education must include the teaching of right conduct, which is morality in human actions, so that a free society is possible. Religion, as the guardian and promoter of morality, is a free society's strongest ally.

[1] John Howe, Jr. *The Changing Political Thought of John Adams.* Princeton University Press, 1966, p. 189.

[2] Letter to his wife Abagail Adams, written in 1775.

[3] *Madison and Witherspoon, Theological Roots of American Political Thought.* Princeton University Library Chronicle, Spring Issue, 1961, p. 125.

[4] Notes on Virginia 1781-1782.

[5] Speech in Boston, Mass., April 9, 1871.

[6] Carl G. Jung *Modern Man in Search of His Soul* New York: Harcourt, Brace and Co., 1933, p.264.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. The hour of 1:30 p.m. having arrived, under the order, morning business is closed.

CLEAN AIR ACT AMENDMENTS OF 1989

The PRESIDENT pro tempore. The Senate will resume consideration of the pending business, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending

Mitchell amendment No. 1293, in the nature of a substitute.

Baucus amendment No. 1307 (to amendment No. 1293), to grant Administrator authority to authorize limited production of halons after the year 2000 if necessary for aviation safety purposes.

The PRESIDENT pro tempore. The pending question before the Senate is the Baucus amendment No. 1307 to amend 1293, the committee reported substitute.

Mr. BREAUX. I object to the proceedings on the ground a quorum is not present.

The PRESIDENT pro tempore. A point of no quorum having been raised, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I ask unanimous consent to lay aside the Baucus amendment for consideration of the amendment I am about to present at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1426 TO AMENDMENT NO. 1293

(Purpose: To provide flexibility to Federal Power Marketing Agencies and others to use fossil fuels during periods of inadequate hydroelectric power generation)

Mr. PRESSLER. Mr. President, I send an amendment to the desk for Mr. ARMSTRONG, myself, and Mr. BREAUX, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for himself, Mr. ARMSTRONG, and Mr. BREAUX, proposes an amendment numbered 1426 to amendment No. 1293.

At the appropriate place insert the following new section: Any person who enters into a contract under which such person receives hydroelectric energy in return for the provision of electric energy by such person shall use allowances held by such person as necessary to satisfy such person's obligations under such contract.

A Federal Power Marketing Administration shall not be subject to the provisions and requirements of this title with respect to electric energy generated by hydroelectric facilities and marketed by such Power Marketing Administration. Any person who sells or provides electric energy to a Federal Power Marketing Administration shall comply with the provisions and requirements of this title.

Mr. PRESSLER. Mr. President, it is my understanding that this amendment has the proper clearances on both sides. It is a simple amendment dealing with Federal hydropower. I shall not take long in explaining it since we have worked on this for several days.

I offer this amendment for myself, Mr. ARMSTRONG, and Mr. BREAUX. This amendment addresses a potential problem facing hydropower generators. Because this power resource is generated by falling water, it is seasonal and intermittent in nature. Too little water in the river can require a Federal Power Marketing Administration to purchase power to meet its contractual commitments. Too much water flowing down the river, can affect generation as well since water may have to be stored in the reservoirs to avoid flooding downstream.

The disadvantages of the intermitten seasonal nature of river flows and hydroelectricity they generate are often set by the renewable nature of the resource as well as the lack of emissions. Because of this, the Federal Power Marketing Administration and other hydropower units have entered into agreements with neighboring utilities for the scheduling, firming, and delivering of project output.

Thus, hydropower can be used in a thermal system to help meet peak demand periods and a thermal system can restore energy to the hydropower system during base load periods. These arrangements take place in the short run such as several times in a given day or in the long run such as during drought years when hydropower generation capabilities are down below the river water levels.

Similarly, when water is available for generation, the Federal Power Marketing Administration can connect that hydropower, banking it with other utilities, reducing the need to generate from thermal sources.

Our amendment simply clarifies that if a thermal unit enters into this type of agreement with a hydropower generator or a Federal Power Marketing Administration, the allowances earned are saved from utilizing hydropower which has no emissions rather than thermal which shall be applied when the thermal units are generating electric energy to pay back the hydropower. Hydropower has no emissions and therefore has no allowances. So we simply want to ensure that they are not required to buy allowances simply to get back what they owed.

Mr. JOHNSTON. Mr. President, this amendment does not change the result that would occur under general provisions of contract law and enactment of the pending substitute without this amendment. In the context of Clean Air Act changes, this amendment merely provides clarity concerning relationships between sellers and purchasers of hydroelectric energy.

Mr. PRESSLER. Mr. President, I thank the managers of the bill, and the chairman and ranking member of the Energy Committee for their assistance.

Mr. President, I know of no opposition to this amendment. I urge its adoption.

Mr. MITCHELL. Mr. President, the amendment is acceptable.

Mr. CHAFEE. Mr. President, I want to commend the Senator from South Dakota for this amendment. This takes care of a situation that involves the Federal marketing authorities when they have a situation where the hydroelectric power is not adequate and they have to rely on steam. Those steam generators cannot add the cost to whatever allowances they might be involved in. They cannot include those costs for the allowances in the rate base.

I think it is a fine amendment, and I want to congratulate the Senator from South Dakota for his thoughtfulness.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 1426) was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, as I have on several previous occasions, I encourage those Senators who have amendments to present them for consideration and disposition today. As all Senators know, this bill will be voted on finally not later than 8 p.m. tomorrow. There are a large number of listed amendments. The Senate was in session Friday for the purpose of receiving amendments, and it is in session today for the purpose of receiving amendments. I encourage all Senators to come forward so as not to be backed up against the time deadline tomorrow.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 1427 TO AMENDMENT NO. 1293

Mr. CHAFEE. Mr. President, on behalf of Senators HATCH, GARN, SYMMS, REID, MCCLURE, SIMPSON, BURNS, BRYAN, ARMSTRONG, and WALLOP, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator ask unanimous consent to set aside the pending amendment?

Mr. CHAFEE. I do.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. HATCH (for himself), Mr. GARN, Mr. SYMMS, Mr. REID, Mr. MCCLURE, Mr. SIMPSON, Mr. BURNS, Mr. BRYAN, Mr. ARMSTRONG, and Mr. WALLOP proposes an amendment numbered 1427.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 135 after line 22 add the following new subsection:

(d) Section 163(c) of the Clean Air Act is amended by—

(1) replacing the comma and "and" at the end of subparagraph (D) with a period;

(2) replacing the period at the end of subparagraph (E) with a comma and "and" and

(3) adding a new subparagraph (F) to read as follows:

"(F) except for purposes of determining compliance with the maximum allowable increases in ambient concentrations in any area designated as class I under this part, concentrations of particulate matter attributable to the increase in fugitive emissions

resulting directly or indirectly from hardrock and noncoal mining."

Mr. CHAFEE. This is an amendment almost identical to a previously accepted amendment regarding fugitive emissions resulting directly or indirectly from surface coal mines. This amendment would simply give the same consideration to the fugitive emissions from hardrock mines. It would exempt fugitive dust from surface mines from consideration in prevention of significant deterioration, so-called PSD, increment consumption determinations. There is no question that fugitive dust from surface mines can exceed PSD participate increments even after application of best available control technology.

So, Mr. President, this particularly applies to those mines which are located in sparsely populated areas. It would allow the Governor of a State to exempt hardrock mine fugitive dust emissions from measurements of increment consumption under PSD reviews except in class 1 areas.

Mr. HATCH. Mr. President, the amendment I am offering today is almost identical to a previously accepted amendment regarding fugitive emissions resulting directly or indirectly from surface coal mines. My amendment would simply give the same considerations to the fugitive emissions from hardrock mines.

This amendment would exempt fugitive dust from surface mines from consideration in prevention of significant deterioration [PSD] increment consumption determinations. There is no question that fugitive dust from surface mines can exceed PSD particulate increments even after application of best available control technology. If such dust is considered in determining compliance with the increments, it would nearly be impossible to permit new or expanded mines, which generally are located in sparsely populated areas.

This amendment would simply allow the Governor of a State to exempt hardrock mine fugitive dust emissions from measurements of increment consumption under PSD reviews, except in class 1 areas.

Mr. GARN. Mr. President, I rise to support the amendment by Senator HATCH to exempt hardrock mining activities from the so-called fugitive dust requirements of the bill which are harmful to the interests of mining operations throughout the Western United States.

Like Senator SIMPSON's amendment which was accepted by the Senate last Thursday, this amendment would disallow the inclusion of fugitive dust from increment consumption counts under the prevention of significant deteriorated [PSD] section of the Clean Air Act. As Senator SIMPSON said, "EPA and many States have determined that for purposes of increment consumption it is not necessary to count fugitive dust emissions."

The EPA readily admits it is unable to accurately conduct modeling on these legitimate mining activities. Continuing America's standard of living is directly proportionate to allowing mining activities to continue unfettered by the Clean Air Act or other regulatory restrictions which are detrimental to mining.

I believe it is high time the people who scream the loudest for clean air understand the importance of a balanced approach which this amendment by my colleague from Utah will accomplish. Air quality will not be harmed in any significant way. So, I urge its adoption by the Senate.

Mr. President, I ask unanimous consent that this information from the Bureau of Mines be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

IMPORTANCE OF THE MINERAL INDUSTRY OF UTAH IN 1989

The value of nonfuel mineral production in 1989 exceeded $1.2 billion, a record for Utah. Preliminary figures indicate that the total value of production increased 22% over that of 1988. Mine output in the State placed it in eighth place among all states in nonfuel mineral production.

Most of the increase in production was due to the strong rise in output of Utah's metal mines, especially the extraction of copper, gold, magnesium, molybdenum, and silver. The metals sector contributed more than $1 billion, or 83%, of the total value of nonfuel minerals produced in the State. Metal production in Utah ranked fourth nationally. Important quantities of industrial minerals produced in the State included cement, lime, phosphate, potash, salt, sand and gravel, and stone.

TABLE 1.—NONFUEL MINERAL PRODUCTION IN UTAH [1]

Mineral	1987		1988		1989[p]	
	Quantity	Value (thousands)	Quantity	Value (thousands)	Quantity	Value (thousands)
Beryllium concentrates (metric tons)	5,499	$6	5,308	$6	W	W
Cement (portland, thousand short tons)	935	50,565	772	39,664	W	W
Clays (short tons)	315,154	1,959	340,156	2,469	337,048	$1,872
Gem stones	NA	105	NA	370	NA	370
Lime (thousand short tons)	562	17,894	365	17,252	343	16,464
Salt (thousand short tons)	1,108	34,264	1,006	35,294	1,358	36,525
Sand and gravel:						
Construction (thousand short tons)	* 21,000	* 56,700	17,843	49,796	14,300	41,500
Industrial (thousand short tons)	6	11	3	60	5	50
Stone:						
Crushed (thousand short tons)	7,989	23,606	* 7,300	* 20,600	6,000	19,500
Dimension (short tons)	2,004	93	* 2,004	* 93	W	W
Combined value of cement (masonry), copper, gold, iron ore, magnesium compounds, magnesium metal, mercury (1987–88), molybdenum, phosphate rock, potassium salts, silver, sodium sulfate (natural, 1988–89), vanadium, and values indicated by symbol W	XX	514,661	XX	849,243	XX	1,125,203
Total	XX	699,864	XX	1,014,847	XX	1,241,484

[1] Production as measured by mine shipments, sales, or marketable production (including consumption by producers).

Note.—* Estimated. [p] Preliminary. NA Not available. W Withheld to avoid disclosing company proprietary data; value included with "Combined value" figure. XX Not applicable.

Exploration: Generally, the search for nonfuel minerals was concentrated on locating precious-metal deposits; there was a great deal of exploration activity for gold and silver in the mining districts of the Tintic area south of Salt Lake City. There was also increased interest in exploration for additional reserves of gallium and germanium in the area surrounding the Apex Mine in southwestern Utah.

Environment: Several environmental concerns were addressed by mineral producers during the year. AMAX Magnesium reported that it was installing pollution-control equipment in the firm's plant on the west side of the Great Salt Lake to reduce chlorine emissions by approximately 50%. Geneva Steel announced a plan to modernize its plant in Utah County and reduce air and water pollution; when completed, the facility was expected to control 96% of its particulate emissions compared to about 92% before the improvements.

Legislation and Government Programs: The control of hazardous waste was a major goal of the legislature in 1989. House bill 37 established a Hazardous Substances Mitigation Fund, which empowered the Health Department to take remedial action to address releases of hazardous wastes. Senate bill 95 established rules of liability whenever an emergency involving hazardous materials occurs. In addition, the Governor established the Clean Air Commission to address air-quality problems along the Wasatch Front.

The U.S. Bureau of Mines and the United States Geological Survey published "Mineral Summaries-Bureau of Land Management Wilderness Study Areas in Utah." The summaries covered approximately 3 million acres of public land currently under consideration for federal wilderness status in Utah. Joint studies were conducted on 66 of the 91 proposed wilderness areas. According

to the report, nearly 80% of the areas studied have identified mineral resources; 92% have moderate or high potential for mineral resources.

Review by Nonfuel Mineral Commodities: Dedicated in late 1988, the modernized facility at the Bingham Canyon Mine increased production of copper and byproduct metals substantially during 1989. The mine was the second largest producer of copper in the Nation. This operation and other assets were sold by the British Petroleum Co., plc, to the RTC Corp., plc, in May. The purchase price was $4.27 billion and the Utah-based company (BP Minerals America) was renamed the Kennecott Corp. The Bingham Canyon operation maintained its role as the only producer of copper and molybdenum in Utah, and the State's largest producer of gold and silver.

North of Bingham, Kennecott completed development of the Barney's Canyon gold mine. The surface mine and heap-leach operation produced its first gold in late September. Production was projected for about 10 years at an average annual rate of 2,500 kilograms (80,000 troy ounces).

Another new gold mine brought into production during the year was Tenneco Minerals' Goldstrike Mine in Washington County. Annual production from this open-pit, heap-leach operation was expected to be 1,250 kilograms (40,000 troy ounces) of gold and a similar quantity of silver for approximately five years.

Barrick's Mercur Mine in Tooele County, the largest producer of primary gold in Utah, continued to operate at full capacity. In 1989, the company announced that the mine, which began operations in 1983, had minable reserves sufficient for 14 years.

Geneva Steel continued to receive shipments of iron ore from its properties west of Cedar City. Modernization of the company's integrated steel facility near Orem was announced during the year. Management anticipated the $400-million modernization program would require 3 to 5 years to complete. The first step in the program was to install a coil box in the rolling mill for about $12 million. Late in the year, Geneva reported the second phase of the modernization would include replacement of the open hearth furnaces with basic oxygen process furnaces, installation of a catalytic system for sulfur removal, and construction of a waste water treatment plant. The two-year project was expected to cost $70 million. In October, Geneva reduced steel production by 25% because of a nationwide decline in demand.

Magnesium metal production at Rowley was up during the year since AMAX Magnesium completed a new evaporation and precipitation pond system in 1988. The operation was purchased for an undisclosed amount by the Renco Group, Inc. The new operating company was named Magnesium Corporation of America, or Magcorp.

Utah continued to lead the Nation as the principal domestic source of beryllium. In 1989, Brush Wellman celebrated its 20th year of operations in the State. Production and sales were down slightly during the year, however, because of reduced demand in the defense, computer and semiconductor markets.

Although mine production of vanadium in southeastern Utah surged briefly in response to a temporary price increase during the year, total output for the year declined from previous years. At Blanding, Umetco continued to operate its White Mesa Mill, the only facility in the Nation that can recover vanadium from uranium-vanadium ores.

In March, Hecla acquired the Apex Mine in Washington County for $5.5 million from the St. George Mining Corp. The underground mine was the only primary source of gallium and germanium in the U.S. during 1986 and 1987. During 1989, Hecla dismantled the germanium refinery and began producing sodium germanate for sale as a concentrate to other refineries. The company expected production of gallium metal and cathode copper to commence in 1990.

The value of industrial mineral production in Utah in 1989 was about $211 million. Portland cement, followed closely by construction sand and gravel and salt, was the largest component of the output. Lime, phosphate, potash, and crushed stone were other important contributors. In addition, Utah was one of the few States in the Nation which had mines that supplied magnesium compounds and sodium sulfate.

In early 1989, the Great Salt Lake Minerals and Chemical Co. (GSLM&C) resumed processing the firm's potash as a specialty fertilizer. Collection of potash had begun in late 1987 after the company's solar evaporation ponds were repaired. GSLM&C was purchased for about $34.5 million, in March 1989, by the GSL Acquisition Corp.

In February, Morton-Thiokol Inc., announced that it would spin off its subsidiary, the Morton Salt Co. Morton Salt would continue to operate its salt harvesting facility in Salt Lake County.

STATE RANKING AND PERCENT OF U.S. TOTAL 1989 (PRELIMINARY DATA)

State	Value (millions)	Rank [1]	Percent of U.S. total
Alabama	483	21	1.52
Alaska	252	34	.79
Arizona	3,190	1	10.03
Arkansas	342	28	1.08
California	2,839	2	8.93
Colorado	443	23	1.39
Connecticut	115	40	.36
Delaware [2]	6	50	.02
Dist. of Columbia			
Florida	1,578	5	4.96
Georgia	1,169	9	3.68
Hawaii	93	43	.29
Idaho	323	30	1.02
Illinois	644	17	2.03
Indiana	437	24	1.37
Iowa	292	33	.92
Kansas	292	32	.92
Kentucky	331	29	1.04
Louisiana	392	26	1.23
Maine	66	45	.21
Maryland	367	27	1.15
Massachusetts	144	39	.45
Michigan	1,586	4	4.98
Minnesota	1,283	7	4.03
Mississippi	108	42	.34
Missouri	1,092	11	3.43
Montana	637	18	2.00
Nebraska	85	44	.27
Nevada	1,996	3	6.27
New Hampshire [2]	49	47	.15
New Jersey	230	35	.72
New Mexico	1,165	10	3.66
New York	746	15	2.35
North Carolina	584	19	1.84
North Dakota	14	48	.04
Ohio	787	14	2.47
Oklahoma	221	36	.69
Oregon	199	38	.62
Pennsylvania	1,041	12	3.27
Rhode Island [2]	11	49	.03
South Carolina	399	25	1.26
South Dakota	296	31	.93
Tennessee	650	16	2.05
Texas	1,445	6	4.54
Utah	1,241	8	3.90
Vermont	520	20	1.63
Virginia	59	46	.19
Washington	451	22	1.42
West Virginia	110	41	.34
Wisconsin	202	37	.63
Wyoming	799	13	2.51

STATE RANKING AND PERCENT OF U.S. TOTAL 1989 (PRELIMINARY DATA)—Continued

State	Value (millions)	Rank [1]	Percent of U.S. total
Undistributed [3]	8		.03
Total United States	31,811		100.00

[1] Ranking based on unconcealed state values.
[2] Partial values, excludes data that must be concealed.
[3] Includes values withheld to avoid disclosing proprietary data.

The PRESIDING OFFICER. Is there further debate?

Mr. MITCHELL. The amendment is acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 1427) was agreed to.

Mr. CHAFEE. I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I have noted the amendment which was adopted Wednesday to section 415(d)(3)(B) of the bill. I understand that the purpose of this amendment was to ensure that, "any other utility unit pollution control project, including but not limited to alterations that allow the use of natural gas as a fuel," which meets certain qualifications, would not be considered a major modification and thus would be excluded from the new source review requirements of section 111 and parts C and D of title I of the Clean Air Act.

Mr. BAUCUS. That is my understanding.

Mr. LUGAR. I have some questions concerning the provisions in the original section 415(d)(3)(B) dealing with presumptions about the project not resulting in an increase in capacity utilization of the source. Could the Senator please explain what those provisions and the other qualifications mean?

Mr. BAUCUS. I have reviewed two letters from the EPA to Timothy J. Method, Assistant Commissioner, Office of Air Management, Indiana Department of Environmental Management, dated January 30, 1990, and March 8, 1990. These letters reflect EPA's analysis of the issue to which the Senator from Indiana refers.

These letters, when read together, make it clear that future regulations or a future interpretative ruling will contain the following terms: "will not be treated as a new or modified source for purposes of said New Source Review Standards if:

(1) The source will continue to meet all current requirements and standards applicable to existing sources under the Act. This includes meeting applicable NAAQS, permit conditions, PSD increments and state implementation plan (SIP) limitations.

(2) There is no environmental harm resulting from the proposed activities. This includes conditions that the proposed activities would not *cause* the source to: (emphasis added)

(a) increase the maximum hourly actual emissions rate of any individual pollutant regulated under the Act;

(b) increase the annual emission of any pollutant regulated under the Act;

(c) adversely impact an air quality related value (e.g., visibility) in a Class I area; or

(d) allow an increase in emissions of toxic pollutants not regulated by the Act which would cause an adverse health or welfare impact.

Changes which are expected to increase emissions to the atmosphere, such as changes which increase a source's hourly operating capacity (e.g. eliminating a bottleneck), hourly emissions rate (e.g., one pollutant decreases but another increases), or utilization rate (e.g., an anticipated increase in hours of operating *resulting* from the installation of controls) would not be affected by this interpretation and could continue to be potentially subject to NSR and NSPS. The EPA will presume, however, that the addition of a control device will not, *by itself, result* in an increase in capacity utilization. However, this presumption will be overcome if there is a *clear likelihood* that operating hours or production rates will increase *because* of the installation of the control device. (Emphasis added).

In assessing whether any net increase in actual emissions of any pollutant, over representative actual emission rates, is likely to occur as a *result* of addition of controls, the reviewing agency should consider the *economic incentive* to increase production rates or hours of operations associated with the installation and use of the control device. Where increased emissions due to increased utilization of the facility are *clearly* a *likely result* from the addition of the device the change should not be considered environmentally beneficial. (Emphasis added.)

Mr. LUGAR. In other words, these letters state that increased capacity utilization would have to be caused by installation of the device?

Mr. BAUCUS. Yes.

This causation would have to be established by the Environmental Protection Agency, to overcome the presumption of no increased utilization, by means of clear evidence which the agency derives from the information submitted by the device owner or operator. The EPA must have clear evidence that the investment in the pollution control device in and of itself provides the owner or operator with an economic incentive to increase hours of operation or power production rate. Simple incremental load growth, et cetera, increased demand for power or economic dispatch of power by a power pool causing increased hours of operation or power production rates would not overcome the presumption referred to in section 415(d)(3)(B) and would not result in new source review. An owner or operator could demonstrate that increases in hours of operation, et cetera, are the result of increased load growth by analysis or computer simulation.

Mr. LUGAR. I am pleased with what the Senator has just said. Does he then believe that it is the sense of the Senate, in enacting this particular measure, that EPA, when it issues the regulations or interpretative ruling referred to in section 415(d)(3)(B) of this bill regarding presumptions, should incorporate the terms you have just recited into said regulations or interpretative ruling?

Mr. BAUCUS. Yes.

Mr. LUGAR. It is also my understanding that under a proper interpretation of the letters from EPA being put into the CONGRESSIONAL RECORD today, if installation of sorbent injection equipment is used to reduce SO_2 and causes increased PM-10 emissions, then installation of an upgraded precipitator to handle PM-10 with the sorbent injection equipment would also not trigger new source review.

Mr. BAUCUS. That is correct.

Mr. CHAFEE. Mr. President, I concur with Senator BAUCUS and Senator LUGAR'S understanding of these letters and ask unanimous consent that these two letters be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Chicago, IL, March 8, 1990.

Mr. TIMOTHY J. METHOD,
Assistant Commissioner, Office of Air Management, Indiana Department of Environmental Management, Indianapolis, IN.

DEAR MR. METHOD: Please be advised that my January 30, 1990, letter to you regarding the Clean Coal Technology (CCT) project at Northern Indiana Public Service Company's (NIPSCO) Bailly Generating Station, should be modified. While the Environmental Protection Agency (EPA) continues to agree with the State that Clean Air Act (CAA) provisions for new source performance standards (NSPS) and new source review (NSR) do not apply if the conditions outlined in my January 30, 1990, letter are met, some revisions are necessary.

On Page 8, the section on "Conditions for Permanent Controls or Devices to Be Considered Not Less Environmentally Beneficial" should be changed as follows:

In first paragraph, second sentence (change underlined)—

"At this time, EPA anticipates that it ruling will include a presumption that such pollution controls will not result in an environmental harm, with respect to permanent controls, if the source demonstrates that:"

In the second condition (change underlined)—

"2. There will be no environmental harm resulting from the proposed activities. This includes conditions that the proposed change would not be itself:

(a) * * * (no change) * * *;

(b) increase the annual emissions of any pollutant regulated under the CAA;" (delete the phrase "as a result of increased capacity utilization rate).

Insert new paragraph after condition 2d—

"Changes which are expected to increase emissions to the atmosphere, such as changes which increase a source's hourly operating capacity (e.g., eliminating a bottleneck, hourly emissions rate (e.g., on pollutant decreases but another increases), or utilization rate (e.g., an anticipated increase in hours of operation resulting from the installation of controls) would not be affected by this interpretation and would continue to be potentially subject to NSR and NSPS. The EPA will presume, however, that the addition of a control device will not, by itself, result in an increase in capacity utilization. However, this presumption will be overcome if there is a clear likelihood that operating hours of production rates will increase because of the installation of the device.

On page 10, a corresponding change should also be made to amend the first full paragraph as follows (change underlined):

"The EPA anticipates that its interpretative ruling will . . . In assessing whether any net increase in actual emissions of any pollutant, over representative actual emission rates, is likely to occur as a result of the addition of controls, the reviewing agency should consider the economic incentives to increase production rates or hours of operations associated with the installation and use of the control device. Where increased emissions due to increased utilization of the facility are clearly a likely result from addition of the device, the change should not be considered environmentally beneficial." (Delete last sentence of paragraph starting with "The authority . . .).

If you have any further questions, please contact Mr. Ron Van Mersbergen at (312) 886-6056.

Sincerely yours.

DAVID KEE,
Director, Air and Radiation Division.

ENVIRONMENTAL PROTECTION AGENCY,
Chicago, IL, January 30, 1990.

Mr. TIMOTHY J. METHOD,
Assistant Commissioner, Office of Air Management, Indiana Department of Environmental Management, Indianapolis, IN.

DEAR MR. METHOD: The purpose of this letter is to comment on the permit proposed by the Indiana Department of Environmental Management (IDEM) for Northern Indiana Public Service Company's (NIPSCO) Bailly generating station. The permit provides for the construction of an air pollution control device and directly related improvements under the Clean Coal Technology (CCT) program. The Environmental Protection Agency (EPA) agrees with the determination by IDEM that the State and EPA rules for prevention of significant deterioration (PSD) and new source performance standards (NSPS) are not intended to apply to the CCT project at Bailly. In other words, the project should not be considered a "major modification" under new source review (NSR) or a "modification" as set forth under NSPS provided certain requirements are met. In a separate but related

issue, EPA also agrees with the determination by IDEM that the addition of a diesel generator as a backup power supply to the scrubber to be installed at Bailly is not a major modification if the limits on operating the generator agreed to by NIPSCO are federally enforceable.

INTRODUCTION

For NSPS purposes, a modification is defined as any physical change in, or change in the method of operation of, a stationary source which increases (in terms of hourly emissions capacity) the amount of any air pollutant regulated under the Clean Air Act (Act) which is emitted by such source, or which results in the emission of any air pollutant not previously emitted. For NSR purposes, a major modification is a modification which results in a significant net emissions increase (in terms of actual annual emissions).

The EPA has become aware that these definitions can be interpreted in such a manner as to subject to NSR or NSPS, or both, certain environmentally desirable activities at existing stationary sources which neither Congress nor EPA intended to be covered by the Act's new source requirements. Moreover, NSR or NSPS coverage would, in some instances, have the effect of discouraging such activities. The EPA believes that such activities, including CCT demonstration projects, are not physical changes or changes in the method of operation, so long as they meet certain criteria discussed herein and EPA issues an applicability exclusion. Hence, such activities are not "modifications" for NSPS purposes, or "major modifications" for NSR purposes.

Over the past several months, EPA has held numerous internal meetings to discuss the Clean Air Act regulatory issues raised by the CCT program. As a result of these discussions, the EPA has decided to issue an interpretative ruling as soon as possible to provide guidance on the definition of a physical or operational change as it applies to new source requirements. In a letter dated January 5, 1990, EPA advised NIPSCO of this intention.

Essentially, this ruling would clarify that if a source solely adds or enhances systems or devices whose primary functions are the reduction of air pollution, and that are determined to be not less environmentally beneficial (as determined by the Administrator) than any emission control system or device it replaces, if any, such activities would not constitute a physical or operational change triggering new source requirements. Consequently, NSPS and PSD and nonattainment new source review would not apply to these types of activities. This interpretative ruling would include permanent, as well as temporary projects under the CCT program. However, it would not extend to projects that primarily are intended to extend the life of a plant or increase capacity. In addition, any changes, permanent or temporary, which are expected to significantly increase emissions to the atmosphere, such as changes which increase a source's hourly operating capacity (e.g., eliminating a bottleneck), hourly emissions rate (e.g., one pollutant decreases but another increases), or utilization rate (e.g., an anticipated increase in hours per year of operating resulting from the installation of controls) would still be subject to NSR and NSPS.

Based on our review of the draft permit, we believe that the Bailly project is consistent with the provisions EPA is developing for its interpretative ruling. On this basis, we have reached the conclusion that this project in particular is not subject to NSPS or major NSR requirements, so long as it continues to meet the criteria herein.

The balance of our comments outlines the grounds for EPA's conclusion and contains a discussion of the anticipated terms of EPA's upcoming interpretative rule. The EPA is still deliberating the specific terms and provisions of its interpretative ruling. While today's comments reflect EPA's current expectations of what will be contained in that document, the actual terms of the ruling may differ from those discussed herein.

BACKGROUND

A. The NSR and NSPS Provisions of the Clean Air Act

The NSR and NSPS provisions of the Act apply to wholly new facilities, and to modifications at existing facilities, when certain conditions are met. The rules governing the applicability of NSR and NSPS to modifications at existing facilities are described in detail in the EPA regulations (see 40 CFR 51.165 and Appendix S, 52.21 and 60.15). In general, the modifications that would trigger these new source requirements are those involving physical or operational changes which increase emissions over baseline levels. (In addition, for NSPS purposes under EPA regulations, a reconstruction occurs and a source is considered "new" if the physical or operational change costs more than 50 percent of the replacement cost of the affected facility, regardless of whether an emissions increase occurs). The term "physical or operational change" is construed broadly and may include the installation, use, or dismantling of pollution control equipment.

1. Background of the NSPS and NSR Modification Provisions:

The 1970 Amendments to the Act required EPA to promulgate technology-based new source performance standards applicable to the construction or modification of stationary sources that cause or contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. 42 U.S.C. 7411(b)(1)(A). Congress decreed that, in addition to wholly raw sources, NSPS would apply to the modification of an existing source, defined broadly as: any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted. Clean Air Act section 111(a)(4), 42 U.S.C. 7411(a)(4).

The NSPS provisions were "designed to prevent new [air] pollution problems" by regulating both newly constructed sources of pollution and existing sources that increase their emissions. *National Asphalt Pavement Assoc. v. Train*, 539 F.2d 775, 783 (D.C. Cir. 1976) [*see also* H.R. Rep. No. 1146, 91st Cong., 2d Sess. 3, *reprinted in* 1970 U.S. Code Cong. & Admin. News 5356, 5358]. The effect of including modified sources as well as newly-constructed sources under the provisions of section 111 was to establish a current level of emissions above which an existing source may not pollute without becoming subject to the NSPS. In August 1977, Congress adopted further extensive changes to the Act (Pub. L. 95-95). These included review-and-permitting programs for new and modified sources combining the technology-based approach of NSPS with specific measures to insure that ambient air quality goals under the Act are met. Congress intended NSR to apply "Where industrial changes might increase pollution in an area." *Alabama Power Co. v. Costle*, 636 F.2d 323, 400 (D.C. Cir. 1979). Part D applies to areas which have not met national ambient air quality standards (NAAQS) under section 109. To receive a permit in such areas, major new and modified sources must (among other things) obtain emissions offsets that assure reasonable progress toward attainment of the NAAQS and must comply with the "lowest achievable emission rate," which can be no less stringent than an applicable NSPS (see sections 171-173). The 1977 amendments also added a new Part C to the Act including, in sections 160-169, an NSR program for the prevention of significant deterioration of air quality (the "PSD" program) in areas which have attained the NAAQS. To receive a PSD permit, a prospective major new or modified source must (among other things) show that it will not exceed the available air quality "increment" (designed to prevent pollutant concentrations from deteriorating beyond certain levels), and will use the "best available control technology", which must be at least as stringent as any applicable NSPS. Both the Part D NSR program applicable to nonattainment areas and the Part C NSR program applicable to attainment areas adopted the NSPS definition of "modification," but not all the exclusions to that definition [see sections 171(4) and 169(2)(C)].

It is evident from the structure of the NSR and NSPS programs that Congress sought to focus air pollution control efforts at an efficient and logical point: the making of substantial capital investments in, or other long-term decisions regarding, pollution-generating facilities. In adopting NSR measures in particular, Congress sought to reconcile the legislative goal of environmental protection with a concurrent desire for continued economic growth [see sections 160(1)-(4)]. Consequently, a key theme of the NSR program is the careful evaluation of, and public participation in, "any decision to permit increased air pollution" [see section 160(5)]. As discussed below, the current regulations implementing NSPS and NSR were designated to apply these programs in a manner consistent with their respective statutory purposes. Today's comments represent our interpretation of these existing regulations under the facts presented by the Bailly project. The EPA expects that its upcoming interpretative ruling will further focus EPA's position on the basis legislative intent of these important programs.

2. The Two-Step Test for Modifications:

The modification provisions of the NSPS and NSR programs grow from a single statutory trunk, the very broad definition of "modification" in section 111(a)(4). Under both respective programs, EPA developed a two-step test for determining whether activities at an existing facility constitute a modification subject to new source requirements. In the first step, which is largely the same for NSPS and NSR, EPA determines whether a physical or operational charge has occurred. If so, EPA proceeds in the second step to determine whether the physical or operational change will result in an emissions increase over baseline levels. In this second step, the applicable rules branch apart, reflecting the fundamental distinctions between the technology-based programs of NSPS and the technology and air quality concerns of NSR. Briefly, the NSPS program is concerned with *hourly* emissions rates, expressed in kilograms or pounds per hour. [An hourly emissions rate is the product of the instantaneous emissions rate, i.e., the amount of pollution emitted by a

source, after control, per unit of fuel combusted or material processed, (such as pounds of sulfur dioxide emitted per ton of coal burned) times the production rate (such as tons of coal burned per hour)]. Emissions increases for NSPS purposes are determined by changes in the hourly emissions rates at maximum capacity. The NSR is concerned with total annual emissions to the atmosphere, expressed in tons per year. (Annual emissions are the product of the hourly emissions rate, which is the sole concern of NSPS, times the utilization rate, expressed as hours of operation per year). Emissions increases under NSR are determined by changes in *annual emissions* to the atmosphere.

3. Physical or Operational Change:

The very broad definition of physical or operational change in section 111(a)(4) could, standing alone, encompass the most mundane activities at an industrial facility—even the repair or replacement of a single leaky pipe or a change in the way that pipe is utilized. The definition certainly is broad enough to encompass the addition or enhancement of pollution control equipment. However, EPA has always recognized that Congress obviously did not intend to require every activity to be potentially subject to new source requirements, and that it would be administratively impracticable to do so. Accordingly, EPA has substantially narrowed this term in its NSPS and NSR regulatory definitions through the adoption of common-sense exclusions. For example, both sets of regulations contain similar exclusions for routine maintenance, repair, and replacement; for certain increases in the hours of operation or in the production rates; and for certain types of fuel switches [see 40 CFR 60.14(e); see also, e.g., 40 CFR 52.21(b)(2)(iii)]. In addition, with respect to pollution control equipment, the NSPS regulations contain an exclusion for;

"The addition or use of any system or device whose primary function is the reduction of air pollutants, except when an emission control system is removed or is replaced by a system which the Administrator determines to be less environmentally beneficial [40 CFR 60.14(a)(5)]."

The EPA has held that this exclusion does not apply to a source which, upon original construction, employed wet scrubbers, but later (upon relaxation of a State plan under section 111(d)) desired to remove the control equipment, which would have resulted in much higher levels of pollution than the plant had ever emitted [*National Softwire Aluminum Co. v. EPA*, 838 F.2d 835 (6th Cir.), *cert. denied*, 109 S.Ct. 390(1988), herein after *National Southwire*]. In the past, EPA has taken various views as to whether the exclusion in section 60.14(e)(5) should apply for NSR purposes. As noted earlier, the NSR statutory definitions of modification simply adopt the NSPS definition in section 111(A)(4). In addition, the legislative history reflects that, as a general matter, Congress intended to conform the meaning of "modification" for PSD purpose to usage under NSPS [see 123 Cong. Rec. H11957 (Nov. 1, 1977)]. For this reason, EPA initially ruled that the NSPS exclusion for addition of control devices applied automatically to PSD (Memorandum from Edward E. Reich, OAQPS, and William F. Pedersen, OGC, to EPA Region VI, April 21, 1983). The EPA reversed course in a 1986 applicability determination issued for both PSD and nonattainment NSR purposes, noting that the NSPS exclusion was highly qualitative, and failed to give due account to either the air quality management component or the largely quantitative orientation of the NSR applicability regulations. (Memorandum from Gerald A. Emison, Director, OAQPS, to Regional Air Division Directors, July 7, 1986).

COMMENTS ON NSPS APPLICABILITY

An NSPS modification is any "physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies" (40 CFR 60.2). Under NSPS, emissions increases, for applicability purposes, are calculated by comparing the hourly emission rate immediately before and after the physical or operational change. All operating parameters which may affect emissions must by the same to the maximum feasible degree for the before and after testing, and tests must be conducted under representative conditions. Absent the exclusions from modifications specified at 40 CFR 60.14(e), any increase in emissions to the atmosphere over the previous emissions rate will subject the modification to NSPS [see section 60.14(a) and (b)]. In addition, modifications which would cost 50 percent or more of the cost of a comparable new facility are classified as reconstruction (see 40 CFR 60.15) and are subject to NSPS as a new source even if there is no emissions increase.

Thus, unless the reconstruction provisions come into play, it is clear that under the existing regulations NSPS would not apply to the installation or improvement of emission control equipment which reduces hourly emissions rates. If the reconstruction provisions do apply, then such changes would trigger NSPS.

Based on NIPSCO's permit application and representations made by NIPSCO's September 14, 1989 and December 4, 1989 information submittals to EPA, NSPS, would not apply to the Bailly Station if the new scrubber is not removed (i.e., if it is a permanent demonstration) because hourly emission rates will not increase as a result of the addition of these CCT controls. As a permanent CCT demonstration project, it would satisfy the requirements of the exemption contained in 40 CFR 60.14(e)(5) for the addition or use of any control system or device whose primary function is the reduction of air pollution. (The definition of "modification" for NSPS is found at 40 CFR 60.14). In addition, the Bailly project would not qualify as a reconstruction under 40 CFR 60.15.

However, the NSPS provisions could also apply to major facilities with temporary CCT demonstration projects at the end of the demonstration when the control equipment is removed and emissions rise back to the level that existed before the demonstration. Thus, while the placement of CCT controls at Bailly will reduce the hourly sulfur dioxide (SO_2) emissions rate, if NIPSCO later dismantles the CCT controls, this would result in an increase in hourly SO_2 emissions up to pre-demonstration levels and the source could be considered subject to NSPS.

Today's comments reflect EPA's position that the Bailly plant would not be subject to NSPS at the conclusion of the project, if NIPSCO decides to make it only temporary, as the result of an increase in emissions rates back up to the levels which existed before the changes were made to accommodate the temporary demonstration project. The EPA expects that its forthcoming interpretative rule will take this position with respect to all temporary CCT and similar demonstration projects which reduce emission rates. Unlike the situation presented in *National Southwire*, it is clear that the addition of pollution control in a temporary CCT demonstration was never intended to result in permanent emissions reductions. In addition, removal of temporary controls will not result in a level of emissions higher than that experienced in the past. (Reconstruction provisions, however, could subject both temporary and permanent CCT demonstration projects, and certain other emission control system installations or improvements, to NSPS. Still, as indicated by the Bailly project, the reconstruction provisions of the Act should rarely, if ever, apply to the type of activity which would be considered for exclusion from the definition of a physical change or a change in the method of operation. Thus, the triggering of the reconstruction provisions is an indication that the proposed activities are more extensive than just the addition, or replacement, of an emission control system or device, and so are not appropriate for exclusion.)

COMMENTS ON NSR APPLICABILITY

Modified sources are subject to NSR if the modification is "major." Major modifications must consist of a physical change or change in the method of operation of a major stationary source [40 CFR 52.21(b)(1)] which results in a net emissions increase of any pollutant subject to regulation under the Act that is significant. Significance levels are expressed in tons per year and differ for each pollutant [40 CFR 52.21(b)(23)]. Net emissions increases are determined [40 CFR 52.21(b)(3)] by summing all contemporaneous creditable actual emissions increases and decreases. The definition of "actual emissions" is such that generally the comparison is between actual emissions before the physical or operational change in question and the potential to emit of the facility afterwards [40 CFR 52.21(b)(21)]. If the source has not been operating near full capacity, even the addition of a control device could be considered a significant net emissions increase when comparing historic actual emissions with a new potential to emit, even though there may be a substantial reduction from historic actual emissions.

Specifically, actual emissions before the change at a facility are generally determined by averaging the emissions for the 2 years prior to submittal of the permit application (or some other period if the last 2 years are not representative of normal unit operation) [see, e.g., section 52.21(b)(2)(ii)]. Since the emissions rate after a physical or operational change cannot be predicted in advance, EPA regulations assume that a source's actual emissions will equal its maximum "potential to emit", which is based on constant full loads operation for an entire year (unless restricted by federally enforceable limitations) [see, e.g., sections 52.21(b)(21)(iv); 52.21(b)(4)]. Thus, a physical or operational change will trigger NSR if the annual potential to emit of the source is significantly greater after the change than its representative actual annual emissions before the change, unless the company agrees to federally enforceable operational restrictions which limit its potential to emit to levels not significantly greater than its actual emissions before the change. This actual-to-potential methodology applies to physical or operational changes at new or "modified" (i.e., altered or changed) emissions units [see 45 FR 52676, 52677, 52718 (1980)].

As explained below, EPA believes that this methodology generally serves the purposes of NSR because it subjects to review projects that might lead to an increase in actual pollution. However, the NSR provisions in the existing regulations could be interpreted to apply to major facilities simply installing or improving control equipment, including CCT demonstration projects, under circumstances where a permanent increase in pollution is highly unlikely.

Under EPA's prospective interpretative ruling, existing sources which would otherwise become subject to NSR only because they decide to install or improve emission controls, or participate in the CCT program or similar demonstration projects approved by EPA, would instead be excluded from NSR coverage, so long as certain criteria intended to ensure that permanent increases in actual emissions do not occur are met.

With respect to the Bailly project in particular, it appears that the plant has been operated at a rather high level of approximately 60 percent of capacity, reflecting baseload utilization of the plant. There is no indication that NIPSCO intends to increase this level of usage at any time following installation of the CCT controls. In addition, it appears that the Bailly project will meet the criteria EPA expects to set forth in its interpretative ruling for both temporary and permanent projects.

The EPA now believes it is appropriate to devise and apply such criteria both for the Bailly project and for the upcoming interpretative ruling. The EPA has recommended the position taken in its 1986 memorandum, discussed earlier, regarding use of the NSPS exclusion in 40 CFR 60.14(e)(5). While EPA continues to believe that this exclusion does not apply automatically for NSR purposes, the criteria discussed herein provide due consideration of air quality management concerns and the need for quantative analyses.

CONDITIONS FOR PERMANENT CONTROLS OR DEVICES TO BE CONSIDERED NOT LESS ENVIRONMENTALLY BENEFICIAL

As noted above, EPA is preparing an interpretative ruling which will clarify that if a source solely adds or enhances systems or devices whose primary functions are the reduction of air pollution, and which are determined to be not less environmentally beneficial, such activities would not constitute a physical or operational change triggering new source requirements. At this time, EPA anticipates that its ruling will provide that such pollution controls will be considered not less environmentally beneficial with respect to permanent controls, if they meet at least the following criteria:

(1) The source will continue to meet all current requirements and standards applicable to existing sources under the Act. This includes meeting applicable NAAQS, PSD increments, permit conditions, and State implementation plan (SIP) limitations.

(2) There is no environmental harm resulting from the proposed activities. This includes conditions that the proposed activities would not cause the source to;

(a) Increase the maximum hourly actual emissions rate of any pollutant regulated under the Act;

(b) Increase the annual emissions of any pollutant regulated under the Act as a result of an increase in capacity utilization rate;

(c) Adversely impact an air quality related value (e.g., visibility) in any Class I area; or

(d) Allow an increase in emissions of toxic pollutants not regulated by the Act which would cause an adverse health or welfare impact.

Based on the information provided by NIPSCO, it appears at this time that the Bailly project, if it is made permanent, will meet the above criteria. Accordingly, as to the Bailly project in particular, EPA believes that major NSR requirements clearly will not apply if the project is made permanent, so long as these criteria are in fact met.

TEMPORARY CCT CHANGES

In its upcoming interpretative ruling, EPA expects to follow criteria for "temporary" CCT projects which are somewhat different from those for permanent projects. The EPA likely will consider a project to be temporary if it lasts less than 5 years from the date the project commences construction. However, the ruling probably will provide that the Administrator would consider an additional period of time, up to 5 additional years, in certain cases. At the end of a temporary project, the facility would be returned to pre-demonstration conditions and hourly emission rates (or lower). It is not clear if the proposed Bailly station permit is for a permanent or temporary CCT project. It is our understanding that NIPSCO considers the first 3 years of the CCT demonstration project to be "temporary" and will view the changes as "permanent" for the following 17 years if they are continued after the 3-year period.

The EPA expects that its interpretative ruling will provide that for temporary demonstration projects, the conditions relating to actual emissions increases and hours of operation criteria under 2a, b and d above would not apply to minor, temporary variations from nominal operating conditions. Temporary increases may occur due to testing procedures or some failure in unique but unproven equipment, but should not willfully contribute to adverse health or welfare impacts. The EPA believes that the benefits inherent in CCT and other similar technology demonstration projects counterbalance the limited, temporary impacts that may occur during these temporary projects. Under the ruling, temporary demonstration project applications likely would have to meet all of the other criteria applicable to the permanent projects discussed above. This interpretation would provide the flexibility to encourage temporary demonstration projects which are considered to be environmentally beneficial overall, despite unpredictable, temporary increases in emissions of some pollutants or in the hours of operation that may occur during the course of a demonstration.

The EPA expects the ruling to state that temporary changes would become permanent in any time during or at the end of a demonstration period if the owner/operator seeks a revised applicability determination addressing all criteria applicable to permanent air pollution control system improvements. In submitting these comments, EPA is applying the above criteria in its review of the Bailly project. If NIPSCO ultimately decides that the Bailly CCT project is to become a permanent CCT demonstration, the project should meet all the criteria discussed earlier for permanent projects at the time the project is to be converted to permanent status (i.e., after 3 years).

PROCEDURES FOR ENVIRONMENTALLY BENEFICIAL EXCLUSIONS FROM APPLICABILITY

The EPA expects that under its forthcoming interpretative rule, an owner or operator proposing to make an environmentally beneficial change in an air pollution control system will be called upon to request an applicability determination from the appropriate NSR/NSPS permit authority. The request should include a general description of the facility and the proposed activity, information on the current and projected use of the facility, and sufficient information to justify a nonapplicability determination. For any air pollution control system improvement, the request should include a rationale for why the emission control system or device should be considered equal to or more efficient than existing control technology at the source.

The EPA also anticipates that its interpretative ruling will state that in providing information to the reviewing authority, an owner or operator should submit sufficient modeling to demonstrate that any new or increased emissions of unregulated toxic pollutants resulting from the change in control equipment will not cause or contribute to adverse health or welfare inpacts. The owner or operator should also demonstrate that the source will not operate at greater hourly emissions rates, or for more hours, than it has been during the most recent 2 years (or some other period, if the last 2 years are not representative of normal operation). In assessing whether actual emission increases of any pollutant are likely to occur, the reviewing agency should consider the economic incentives to increase production rates or hours of operation associated with the change. Any change which could reasonably result in increased emissions due to possible increased utilization of the facility as a result of the changes should not be considered environmentally beneficial. The authority reviewing the proposed change should explicitly determine, based on consideration of these and other relevant criteria, that the net effect will not be one of environmental harm.

OPERATING LIMITS ON NEW DIESEL GENERATOR

The EPA considers the addition of a backup diesel generator at Bailly not to be an integal part of the CCT demonstration, in that the generator could serve multiple functions once installed. In general, EPA views changes to be subject to NSR and NSPS if such changes are not strictly related to the addition of the improved air pollution control system and the changes have any possible additional application. However, EPA agrees with IDEM that the addition of a new diesel generator does not constitute a "major modification" if the State's limits on the generator's hours of operation, preventing concomitant increase in emissions from exceeding significance levels, are federally enforceable.

In closing, EPA agrees with the State that NSPS and NSR do not apply if the conditions outlined in this letter are met. If you have any further questions, please contact Mr. Ron Van Mersbergen at, (312) 886-6056 or Mr. Dom Abella at, (312) 886-6543.

Sincerely yours,

DAVID KEE,
Director, Air and Radiation Division.

Mr. CHAFEE. Mr. President, I want to mention to my colleagues and all who might be listening that the technical amendments to title I, which is the stationary source nonattainment, title II, mobile sources, and title VII, CFC's are available at the Environment and Public Works Committee, which is room 410 in the Dirksen Building, and in the respective cloak-

rooms; so if anybody wishes to inspect or review those technical amendments, they can do so in room 410 of the Dirksen Building or in either of the cloakrooms.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I further ask unanimous consent that I might be permitted to speak as though in morning business for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized as if in morning business for a period of 3 minutes.

RETIREMENT OF REPRESENTATIVE BILL FRENZEL

Mr. DURENBERGER. Mr. President, on midday last Friday, many of us here and in Minnesota were shocked to learn that the dean of our Minnesota congressional delegation, Congressman BILL FRENZEL, had decided to end that portion of his public service career which has for 20 years featured service to his district, his State, and his country as a Representative of the Third Congressional District of Minnesota.

I have known BILL FRENZEL all of my public life of 30 years. He came to the Minnesota Legislature in 1962 when Republicans were giving some life to politics in the State of Minnesota. But he gave it more than political life; he brought with him in that period of 8 years of service in the Minnesota Legislature some of the most creative approaches to both public policymaking and public policy enactment that any of us had ever seen.

So in 1970, when the Third District's Congressman Clark MacGregor decided to do the impossible, that is, to take on Hubert Humphrey for the U.S. Senate, BILL FRENZEL was chosen to represent the Third District, and he has represented it so well since then that it is hard to believe he can be replaced.

There will be as always many people seeking to do that, but none who can. All of us who have enjoyed BILL FRENZEL, and we enjoy him more with each passing year, will acknowledge the great debt that we owe him for the years that he spent both here in Washington and in Minnesota. He has been a friend to everybody in politics, a role model to all of us who have been in elected office.

He is very plain-spoken. He just says what is on his mind. He is confused sometimes as a conservative, sometimes as a Republican, sometimes as a Democrat, as a liberal, whatever it is. But that is kind of nice in this day and age where people cannot be readily categorized, and so you have to end up accepting BILL FRENZEL for what he really is. He is a very great influence today.

Unfortunately, he was never in the majority in the House of Representatives. I suggest if he were, not only would he be in a position of much greater influence than he has been as to date, but obviously he would have been selected by many for the kinds of positions, platforms, chairs, if you will, that go only with the majority status.

BILL was in the right place at the right time, but never achieved anything he wanted to achieve. But for those of us who lived with him, served with him, and loved him throughout the period of his service, I hope he knows the unique role he played in our lives and in the progress of this institution.

A lot has been written over the weekend about Congressman FRENZEL, enough to keep him going for the next 9 months or whatever he has remaining in his term, and I ask unanimous consent that the material I have been able to pick up so far be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPRESENTATIVE FRENZEL WILL RETIRE AFTER 20 YEARS

(By Craig Winneker)

Rep. Bill Frenzel (R-Minn), the ranking member of the House Budget Committee and a senior member of the Ways and Means Committee, announced Friday he will retire at the end of the 101st Congress.

In a news conference at the state capitol in St. Paul, Frenzel said, "It is not easy to break the habit patterns of 20 years, but it is now time to move on. Every Member of Congress knows when the time has come not to run again. For me, it is now."

Now in his eighth term, Frenzel, 61, was a state legislator and warehouse company president before coming to Congress in 1970. He won a seat on Ways and Means and made his mark as a strong advocate of free trade and low tax rates. Before becoming the top Republican on the Budget Committee, he was the ranking member of the House Administration Committee.

"I have no specific plans for the future," Frenzel said. "I expect to be useful in some way, but I am not looking for any more 80-hour-a-week jobs."

Frenzel also said his campaign committee, which reported a cash-on-hand balance of $389,945 on June 30, 1989, would return contributions received after Dec. 31, 1988, and would be dissolved by the end of the year. He has said that he will not convert any campaign funds to personal use.

His district comprises the Minneapolis suburbs of Bloomington and St. Louis Park, as well as other growing communities. Local political sources say the top Independent-Republican candidate to replace Frenzel would be state Sen. Jim Ramstad.

On the Democratic-Farmer-Labor party side, a growing list of possible candidates is being floated by state officials, including: former state House Speaker Harry Sieben; former state Attorney General Warren Spannaus; attorney Vance Oppermann; state Treasurer Mike McGrath; Ted Mondale, son of former Sen. Walter, and state Sen. Ember Reichgott.

Frenzel becomes the tenth sitting House Member to announce a retirement at the end of this Congress; six are Republicans and four are Democrats.

[From the Washington Post, Mar. 31, 1990]

FRENZEL RETIRING AFTER 20 YEARS IN THE HOUSE

(By Tom Kenworthy)

Rep. Bill Frenzel (R-Minn.), a 20-year veteran of the House and a leading voice on fiscal issues in Congress, announced yesterday that he will not seek reelection this year.

Frenzel, the House Budget Committee's senior Republican and a ranking minority member of the Ways and Means Committee, announced his decision at a news conference in St. Paul.

"Every member of Congress knows when the time has come not to run again," said Frenzel, who is 61 and was first elected in 1970. "For me, it is now."

Regarded as bright, hard-working and acerbic, Frenzel frequently has been influential on economic issues. Although more moderate than many in his party on social questions, he is a strong fiscal conservative and has been a tenacious fighter for free-market principles, particularly on trade and taxes.

In recent years, Frenzel has grown increasingly partisan in response to what he regarded as a tyrannical Democratic majority. This attitude was reflected in his support last year of conservative Rep. Newt Gingrich (R-Ga.) for Republican whip.

Calling Frenzel "one of the giants of this institution," House Budget Committee Chairman Leon E. Panetta (D-Calif.) said that despite their disagreements. "I can think of no one who has approached the work of the Congress, both substance and politics, with more intelligence, seriousness, commitment and integrity."

House Minority Leader Robert H. Michel (R-Ill.) said he was "devastated" by Frenzel's decision. He called the Minnesotan "the GOP's most eloquent and intelligent spokesman on budget and tax issues."

Frenzel's retirement opens up a Republican seat that is expected to be difficult for Democrats to capture. The suburban Minneapolis congressional district is the most Republican and affluent area in Minnesota.

Frenzel said at his news conference that he has no particular plans for retirement. "You ought to go out when you're hitting .300, rather than deteriorating," he said.

[From the Star Tribune, Mar. 31, 1990]

FRENZEL TO RETIRE

(By Betty Wilson and Norman Draper)

U.S. Rep. Bill Frenzel, the dean of Minnesota's congressional delegation, announced Friday that he will not run for an 11th term.

Frenzel's surprise announcement stunned the state's political establishment and

prompted a flurry of speculation about who might succeed him. The announcement comes only one month before political parties are scheduled to endorse candidates for the Third District congressional seat.

"Every member of Congress knows when the time has come not to run again," Frenzel, a 61-year-old Republican, said at a news conference at the state Capitol in St. Paul. "For me, it is now." Friends and members of the congressman's staff, many with tears in their eyes, crowded the room to hear the announcement.

Frenzel said he has no specific plans.

"I expect to be useful in some way, but I am not looking for any more 80-hour-a-week jobs," he said.

For the time being, he and his wife, Ruth, will stay in Washington, D.C., he said. Frenzel, a friend of President Bush, said he has not been offered and isn't looking for a job in the administration.

In an interview, Frenzel said he "absolutely" would rule out running for governor. He disclosed that U.S. Sen. Rudy Boschwitz as late as Thursday night had urged him to get into the gubernatorial race. Although there are six IR candidates, none has broken out of the pack.

Boschwitz said yesterday afternoon that he hadn't heard a "Shermanesque" statement of refusal from Frenzel, and that he still hopes he'll consider running for governor. A Boschwitz-Frenzel ticket this fall would be a strong one, he suggested.

Frenzel said his political committee will return contributions received since Dec. 31, 1988, and will dissolve by the end of the year. He reported a cash balance of $358,347 in his campaign kitty at the end of last year. Frenzel said he will not take any cash for personal use from his campaign funds, which he is allowed to do under federal law. Those leftover funds will be used for severance pay for employees and contributions to other candidates, he said. Federal law does not permit him to give more than $1,000 to whomever may be endorsed by the Independent-Republican Party to succeed him, Frenzel said.

At some point he will endorse a successor, but he'll wait until prospective candidates make their announcements, he said.

Frenzel was elected to the U.S. House in 1970 by a narrow margin from the sprawling suburban Third District, and by majorities as high as 70 percent ever since. The district is considered Republican territory. It includes western and southern Minneapolis suburbs, Carver County, most of Scott County, western and southern Dakota County, and a township in Goodhue County.

He is the fourth-ranking Republican on the House Ways and Means Committee and the senior Republican congressman on the Budget Committee.

Frenzel is considered a fiscal conservative and a moderate on many social issues. Although he considered running for the U.S. Senate in 1978, he would have had difficulty winning the IR endorsement because of his positions favoring abortion rights and a proposed Equal Rights Amendment.

He used a baseball analogy to explain why he's decided to step down at this time.

"You ought to go out when you're hitting .300, rather than deteriorating," he said.

At least some Democrats saw the Republican stranglehold on the district loosening with Frenzel's announcement.

"It's not a Republican lake," said Bob Coombs, Third District DFL Party chairman. "Its a pretty independent district. . . . There's a good chunk of independent voters that can go either way."

Coombs said that, before Frenzel's announcement, the party had searched with little success to find a DFL candidate for the seat. He said 12 people had been contacted through February about running against Frenzel.

"Quite frankly, we got some, 'Yeah, it might be a good idea' responses, but people weren't really interested until Bill Frenzel left."

But state Sen. Michael Freeman, DFL-Richfield, and an announced candidate for Hennepin County attorney, noted that even without Frenzel the Third is "a real tough, tough seat for a Democrat."

Freeman, who lost to Frenzel in 1978, said that although he is "very interested in being Hennepin County Attorney," he has not discounted the possibility of taking another shot at the Third District seat.

State IR Chairwoman Barbara Sykora said the field is wide open for candidates for Frenzel's seat. The Third District IR convention meets May 5 and is expected to endorse a party candidate. The district DFL convention meets April 28.

State Sen. Jim Ramstad of Minnetonka, who was at Frenzel's news conference, said he's considering running. Other names mentioned on the IR side include Hennepin County Commissioner Randy Johnson; former state Rep. Charles Halberg of Burnsville, who is running for the state Senate, and Doug Kelley of Bloomington, a candidate for governor.

A number of IR legislators also are on the list of potential candidates, including state Reps. John Himle, Bloomington; Connie Morrison, Burnsville; Sally Olsen, St. Louis Park; Kathleen Blatz, Bloomington; Dennis Ozment, Rosemount, and K.J. McDonald, Watertown.

Of those reached for comment, Blatz expressed interest and Johnson said he would take "a good, hard look" at running for the seat. Kelley said he'll stay true to his gubernatorial ambitions. Himle said he would "take a look at it," but that "the signals probably aren't right at this time."

On the DFL side, names being mentioned include Attorney General Hubert Humphrey III: state Sens. Ember Reichgott of New Hope and Freeman; state DFL Chair Ruth Stanoch, Bloomington; former House Senator Harry Sieben, Hastings; former state Sen. Emily Staples, Plymouth; former Attorney General Warren Spannaus, Bloomington, and Michael Hatch of Burnsville, a candidate for governor.

"I do live in the Third," said Reichgott. "But I think my thoughts right now are to focus on the last 10 days of the (legislative) session and complete what I have to do here. It's an idea I would like to discuss with some other people."

Sieben said he'd "have to think about it for some period of time," and Spannaus denied any interest in the seat.

Hatch said that he intended to continue his bid to unseat DFL Gov. Rudy Perpich, despite the Third District opening.

Q & A/It Was a "Hard Decision" After 20 Years

(By Betty Wilson)

U.S. Rep. Bill Frenzel talked Friday about why he's retiring after 20 years in Congress, and reflected on his years in office and the state of political affairs in the nation and in Minnesota.

Here are excerpts from an interview:

Q. When did you decide to step down?

A. Ruthie and I decided last week. I've been thinking about it a couple of years. It was a hard decision. I almost came down on the other side. It was a close one. . . . I guess there will be 30 or 40 candidates for my seat. It's going to upset the fruit basket for a while. I had to worry about that a little bit. I had to worry a little bit about other people on the ticket . . . worry about projects I am working for in the Congress and those I'm working against. I guess I think it's not a good thing for Ted Williams to be playing right field when he's 50 years old. It's not that I'm forced by some event. It's just that I think it's appropriate to do it.

Q. How has the political process changed in recent years? Has it changed for the better or worse?

A. In a nutshell, we have become a little more polarized. We have seen the decline of the political parties. When I was elected, the parties were strong and could elect candidates. They seem not only in Minnesota but elsewhere to be pretty weak. While people claim allegiance to one party or another, they are unlikely to want to work for them, less likely to want to contribute to them. Now we are in the age of the candidate and the single issue. I also believe, and this is highly subjective, that we are not getting the same caliber of person in the Congress as we were putting 20 or 30 years ago, and I am not sure whether it's better or worse, but it is a different kind of person.

Q. In the past you were almost denied endorsement by your party. Have the changes in the IR Party been part of this decision?

A. I would say it has made life less pleasant. When I ran for this I had a very strong, active party and one I could count on for help in campaigns, people to put on the streets, peddle literature, get the mail out. That's all changed. Parties have become rather more debating societies, probably less positive and more negative. But that's simply an item of personal comfort. It hasn't bothered my job at all. I don't have any war with the party in the Third District. Where we can do it together, we do it happily. Sometimes we part company. We do that happily as well. But just from a standpoint of 20 years, the party thing has made life a little more difficult for candidates. In some ways it's made it better because candidates now run the show. The party does not.

There's a whole different kind of campaigning now. In the old days we put much more reliance on volunteer resources. We rely much more on dollar resources now. So whoever comes behind me will have a different problem. The party will be much less relevant. . . . Frankly the party is not very reliable.

Q. Are you concerned about single interests?

A. I'm concerned about it. I don't want to write a law against it. However people choose to participate, by broad umbrella group or narrow unbrella group. . . . It's their own business. It's a little more difficult for candidates and officeholders to deal with the situation when single-interest groups are working the problem hard. I think, however, the American people are essentially broad-gauged. While they have intense interest in certain issues, abortion, school busing . . . ultimately 98 percent of the people judge a candidate on his own good judgment rather than those single issues.

Q. What were the high points during your career?

A. Well, I'll tell you, every day has been exciting. I remember being sworn in and just absolutely awestricken, overcome by the process. And nearly every day that I go to work in the Capitol I get goosebumps coming by the statues of the titans of the republic who have made our laws. It has been a kind of awesome experience to be down there.

I have had a few personal victories. I had good luck with the election laws in '72 when we created the Federal Elections Commission. I thought I had a personal hand in that; at least I claimed some credit for it. Some of the tax laws of the '70s, I thought I had a big hand in. In the last 10 years I have converted over to being a budgeteer. I have tried to exercise a restraining hand on what I think is the profligacy of the Senate. Every now and then we sustain a veto or beat a bill or chop a little piece off a bill and those have been the high points. Other than that it has been the privilege of serving this term with a president who is a personal friend, whom I like, whose policies I generally like. That has been a great thrill.

Q. Have you been frustrated at not being in the majority?

A. No question about it. The minority is a good noble role in our system, but it's a crummy one to have to play every day. Luckily, when I was in the Minnesota House, Republicans were in the majority each of those sessions, so that was a little more pleasant. You play the hand you are dealt.

Q. Critics say Congress isn't doing anything to effect change, that nothing is moving out there.

A. If so, I've been more successful than I've thought. The federal government in my judgment had much too heavy a hand in the lives of its citizens. I have tried to remove the federal government and where possible to transfer not only the obligations but the resources to the state. As dippy as I think the Minnesota Legislature is . . . I mean leadership. . . . I really think the citizens are better served closer to home with people who are there every day and are called to task. It isn't fair to say Congress is not accountable, but we are very heavily insulated against electoral accountability. Members of the House of Representatives have been reelected over the time I've been in Congress with a little better than a 96 percent success ratio. That's too much. At least in Minnesota occasionally we throw one of the rascals out. So I would prefer to see the federal government doing less. I would prefer to see federal programs scaled down. I would prefer to see states carrying more responsibility. If . . . that's happening, I would declare a victory.

Q. Is this a happy time, a sad time?

A. It's bittersweet. I have enjoyed the career. I have loved it. There are some great memories. I will miss some wonderful things. I would hope there are some wonderful things in the future, too.

Q. Are you independently wealthy so you won't have to look for another job?

A. Actually no. I have a modest amount of assets. But I will have to do something.

FRENZEL DROPS A BOMB: WON'T SEEK 11TH TERM

(By Bruce Orwall)

Rep. Bill Frenzel, one of the most powerful Republicans in Congress, dropped a bombshell Friday by announcing that he will not seek re-election in Minnesota's 3rd Congressional District this fall.

With 20 years of service, Frenzel, 61, is the senior member of Minnesota's congressional delegation. But his decision, based on his notion that it is time to move on, caught everyone, from his staff to political gossip mavens, off guard.

It will also touch off an intense free-for-all in pursuit of his seat, particularly among Independent-Republicans who have been waiting behind Frenzel for a long time. Within moments of Frenzel's announcement at the State Office Building in St. Paul, more than a dozen names were being touted as possible successors.

"It is an exciting and fulfilling and fun kind of life," Frenzel said. "However, there comes for everyone a time to do something else, and that time has come for me.

"It is not a good thing for Ted Williams to be playing right field when he's 50 years old," Frenzel added.

He did not speculate on his future plans. In the past, Frenzel, a good friend of President Bush, has been considered a logical selection for a post in the Bush administration, and was considered for the post of U.S. trade representative when Bush was elected. Frenzel said Friday he has no offers from Bush, and won't consider any until he has completed his term.

U.S. Sen. Rudy Boschwitz had an idea for Frenzel, though. He has spent the last two months attempting to persuade Frenzel to run for governor in Minnesota.

"I don't want to denigrate our other candidates," Boschwitz said, "but Frenzel would be a sensational candidate."

Frenzel says that he may seek elected office again in the future, but he does not want to run for governor in 1990.

At the Capitol, Frenzel's decision caught potential successors from both parties flat-footed. And he admitted that the timing of his decision gave candidates in the south metropolitan district very little time to gear up for the endorsing conventions that will be held May 5.

"I recognize that that may put some strain on the endorsement procedures," Frenzel said. "The party may want to defer its endorsing convention. . . . It's going to upset the political fruitbasket in the area for a while."

Leading the list of potential successors on both sides of the aisle are current or former legislators.

Among Independent-Republicans, Sen. Jim Ramstad of Minnesota has made no secret of his desire to run for Congress, but there are many others named as possibilities. They include state Reps. Sally Olsen, St. Louis Park; Dennis Ozment, Rosemount; Connie Morrison, Burnsville; K.J. McDonald, Watertown; former Rep. Chuck Halberg; Hennepin County Commissioner Randy Johnson; and two IR gubernatorial candidates who live in the district, Doug Kelley and David Printy.

Whoever emerges, observers at the Capitol speculated that a Republican favoring abortion rights, like Frenzel, would be the party's best bet to hang onto the seat.

On the DFL side, some of the people who have shown interest in the past are already pursuing other offices in 1990. The long list of DFLers includes state Sen. Mike Freeman, Richfield, who is running for Hennepin County attorney; Minneapolis attorney Vance Opperman, Gov. Rudy Perpich's former campaign chairman; former House Speaker Harry Sieben (or his brothers, Bill and Mike); Attorney General Hubert H. Humphrey III, who is seeking re-election; former Commerce Commissioner Mike Hatch, who is running for governor; state Sen. Ember Reichgott, New Hope; and DFL state Chairwoman Ruth Stanoch.

Hatch, however, for one, said Friday he isn't interested in the job and wants to focus on his challenge to Perpich.

Frenzel is the ranking Republican on the House Budget Committee and the fourth-ranking Republican on the House Ways and Means Committee. Both are influential posts, but Frenzel indicated he is weary of laboring in the Republican minority.

"The minority is a good, noble role in our system," Frenzel said, "but it's a crummy one to have to play every day. . . . But you play the hand you're dealt."

Frenzel said he won't walk away with any of his $300,000-plus campaign warchest, which would be legal under federal election laws until after the 1992 election—a change in federal law that is expected to provoke a lot of congressional retirements in 1992.

The Frenzel campaign will refund 1989 and 1990 contributions, pay its bills and staff and close its office, he added.

"I do not intend to take any large cash donation from my volunteer committee," Frenzel said. "If they want to buy me an ice cream cone or hamburger as a going away present, I'll let them.

When Frenzel was first elected to Congress in 1970, he said he would only serve three to five terms before hanging it up. He has introduced legislation 10 times that would limit congressional service but said Friday he has only attracted two co-sponsors in all those years.

Frenzel counts among his greatest achievements the creation of the Federal Elections Commission in the 1970s, passage of a variety of tax laws and his work on budget issues during the last 10 years, when he has tried to provide a "restraining hand" on the Democrat-controlled House.

FELLOW HOUSE MEMBERS PRAISE FRENZEL FOR EXPERTISE, INTEGRITY

(By Steven Thomma)

WASHINGTON.—The business writers sat on their hands while a stream of congressmen made their pitch on some now-forgotten trade legislation.

But when the veteran Republican lawmaker from Minnesota walked up to the microphone, they pulled out their pens and started talking notes.

"Now, we'll get some real insight," said one.

For nearly 20 years, Rep. Bill Frenzel, 61, has been one of the voices that people listened to on Capitol Hill.

They may not always have accepted what he said. He was, after all, in the minority. But they listened.

"Bill has been one of the giants of this institution," said Rep. Leon Panetta, D-Calif., the chairman of the House Budget Committee, where Frenzel had worked his way up to become the senior Republican.

"I can think of no one who has approached the work of the Congress—both substance and politics—with more intelligence, seriousness, commitment and integrity," Panetta said.

Rep. Dan Rostenskowsi, D-Ill., the chairman of the House Ways and Means Committee, of which Frenzel also was a member, called Frenzel "an able legislator, competent and conscientious . . . I hope he'll . . . somehow continue to be involved in the creation of good public policy."

The acclaim has grown in recent years as Frenzel's seniority and his expertise on tax

and trade issues have turned into plum assignments, most notably as the top Republican on the Budget Committee and as a member of the 12-person presidential commission on the budget deficit.

But many times, the brass ring of real, direct power has eluded him.

Frenzel was born in St. Paul. He received a bachelor's degree from Dartmouth in 1950 and a master's in business adminstration in 1951. He ran the family business, the Minneapolis Terminal Warehouse Co., and served in the Minnesota House from 1963 to 1970.

After winning his congressional seat in 1970 by a close 51-49 percent, he increased his hold on his suburban district. He won handily every two years after that.

In 1976 Frenzel was elected chairman of the Republican Research Committee, the first step on the ladder of the House Republican leadership.

But when he tried to move up the ladder in 1978, running for the chairmanship of the Republican Policy Committee, he was defeated by the more conservative Rep. Bud Shuster of Pennsylvania. He would never try again.

Also in 1978, he decided—after some agonzing—not to risk his House seat and run for the Senate. Two relatively unknown Republican newcomers—Dave Durenberger and Rudy Boschwitz—ran and won.

In 1988, he was widely rumored to be a possible choice for a spot in President Bush's new Cabinet, either as trade representative or secretary of commerce. He was not asked.

He said at the time that he was not disappointed, that he was happy to be staying in the House. But those around him knew he was tiring of his permanent status in the minority party.

"Years in the minority party have taken their toll on him, leading him increasingly often into the role of nay-saying curmudgeon, preoccupied as much with the indignities visited upon Republicans by the majority as with the legislation at hand," said Politics in America, a respected book on Congress.

But at least one colleague, Rep. Tim Penny, D-New Richland, said he thought Frenzel's influence on budget matters was on the rise again.

"I thought that in his current role, he was helping to make some headway," said Penny, a fellow fiscal conservative. "I would have thought that would have been very satisfying for him."

House Minority Leader Robert Michel, R-Ill., said Friday that Frenzel's counsel on fiscal issues will be missed.

"I was devastated to hear about Bill Frenzel's decision not to seek another term," Michel said. "He's been the GOP's most eloquent and intelligent spokesman on budget and tax issues for many years and has served a valuable place in the house Republican leadership.

"On a personal note, I know that this decision could not have been an easy one for him. While I regret that a man of such high caliber of personal integrity and intelligence has decided to leave public service, I wish him and his family great success and happiness in private life."

Mr. DURENBERGER. Mr. President, I conclude with a tribute to the people, 509,499 of them at last census count, who made up the Third Congressional District, who had the good judgment over the years, despite the differences with political philosophy from time to time, to keep returning him to the Congress by a very, very substantial margin.

I know that same good judgment will enable them to select a worthy successor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, I was not aware that BILL FRENZEL had announced he was going to retire. I am very, very sorry to hear that. He has been a tower of strength, judiciousness, thoughtfulness, and common sense in the House of Representatives.

I have had the privilege of dealing with BILL FRENZEL rather frequently, particularly in connection with Ways and Means matters, where he has been on the conference committees, several times.

He is going to be very, very difficult to replace. There are certain Representatives over there who have been major players in ways and means matters. I can remember when Barber Conable was of such importance on the Ways and Means Committee. BILL FRENZEL has been a very, very strong voice, particularly for free trade matters. I think he and SAM GIBBONS, of Florida have been probably the two strongest voices for free and open trade.

To have BILL leave is sad, I must say. Obviously, he has his own reasons. He served for a long time in public life. I suppose anybody can say enough is enough at some point. But to have BILL FRENZEL leave is regrettable.

I wish to him and his family all the very, very best in their coming retirement. The good side is he will be around for the remainder of this year.

The PRESIDING OFFICER. Does any other Senator seek recognition?

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. STEVENS. Mr. President, is there a pending amendment.

The PRESIDING OFFICER. There is pending the Baucus amendment to the clean air bill.

AMENDMENT NO. 1428 TO AMENDMENT NO. 1293

Mr. STEVENS. Mr. President, I ask unanimous consent that that amendment be set aside temporarily so I may offer an amendment for myself and Senator MURKOWSKI.

The PRESIDING OFFICER. Without objection, it is so ordered.

The pending amendments are set aside.

The clerk will report the amendment offered by the Senator from Alaska.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. MURKOWSKI, proposes an amendment numbered 1428 to amendment No. 1293.

Amendment 1293 is amended by inserting the following new sentence at the end of line 13 on page 529:

"For the purposes of this section, the phrase 'national security interests of the United States' shall be deemed to include domestic production of crude oil and natural gas energy supplies on the North Slope of Alaska.".

Mr. STEVENS. Mr. President, the amendment has been read. It is very simple, really.

I think the Senate realizes that the North Slope oil fields currently produce about 25 percent of our domestic oil production. The large oil and gas facilities that are there—and gas is produced with the oil, but it is currently reinjected into the ground; there is no transportation system for the gas—those facilities use halon explosion and fire protection systems. I am told these are the only means available to protect these facilities and the people that operate the great Prudhoe Bay oil fields. The phaseout of halons that is proposed by this bill would jeopardize the productive capacity of this extremely large producing field.

My amendment would make it possible for the President to issue orders to allow the continued use of halons for fire and explosion prevention systems if there is nothing that can be developed to take their place.

The systems that are used in the North Slope are enclosed in very large nodules. They are necessary to protect both the equipment and the personnel that would operate the fire suppression systems from the extreme climatic conditions that exist on the North Slope. I am sure the Senate realizes that this is an area of extreme violent temperatures, from 100 above in the summertime to 60 or 70 below in the wintertime.

Of the alternatives to halon that are available, none can be used under the circumstances of the North Slope. CO_2 cannot be used because the lethal dose is a 10-percent concentration and a 35- to 40-percent concentration is necessary for fire suppression in the circumstances that exist on the North Slope.

Water cannot be used. Obviously in the winter it is not available in large enough supplies and, besides that, water spreads hydrocarbon fires and is not an adequate substitute.

Dry chemicals cannot be used. I am told they are effective locally on fires and facility operators can use them for small fires within the North Slope in buildings, but they would be ineffective on the comprehensive transportation system for oil and the reinjection facilities for gas.

I am informed that the companies are trying to find alternatives that would be as safe and as effective as halon. EPA is working with a Government working group that is cooperating with the Halon Alternatives Research Corp., which is a nonprofit company that has been funded to work on finding halon substitutes. The Arctic oil and gas producers are helping to finance that research. But the problem is that unless there is a breakthrough in that research, this bill would phase out the use of halon before this oilfield will complete its production.

So my amendment would ensure that production and use exemption if the President finds that the continued production from the North Slope is necessary in the interests of national security.

Alaska State law requires operators to provide automatic fire extinguishing systems. It is our State law that has the requirement that a system be in place, which I think is only reasonable in view of the number of people that are involved here, and the tremendous amount of oil and gas that is produced daily. The only effective system that is available now and in the foreseeable futute is, in fact, the halon system that is there now. So I am hopeful the managers of the bill will accept this amendment.

It is a discretionary amendment and requires a finding of national security interest in order to continue the use of halon beyond the phaseout date in my State, if that is absolutely necessary to protect the people and the facilities that are so essential to continue development of the North Slope oil and gas production.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, this is a good amendment and is acceptable by this side. I commend the Senator from Alaska for this amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota [Mr. BURDICK].

Mr. BURDICK. The amendment is acceptable to us.

Mr. STEVENS. I urge the adoption of the amendment, Mr. President.

The PRESIDING OFFICER. Is there a further debate date? If there be no further debate, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 1428) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I shall send an amendment to the desk shortly, but first I would like to take my place among other Members of this body in recognizing the great contribution made by the managers of the bill, the majority and minority leaders of the Senate, and innumerable staff persons toward passage of this piece of legislation. I have had the privilege of working on this bill with all of these individuals at odd hours and way into the night. Within the Environment and Public Works Committee, on which I am privileged to serve, I wish to recognize the distinguished leadership of the chairman, who is present on the floor today, and the ranking member, Mr. CHAFEE, who has given us brilliant leadership, I think on both sides of the aisle.

Mr. President, I also will take this occasion to express my appreciation to Ms. Claudia McMurray, on my staff, who has worked tirelessly on this legislation from its very inception, and has given valuable counsel, not only to this Senator but to many others, and has worked very harmoniously with staff on both sides.

The PRESIDING OFFICER. The Chair reminds the Senator from Virginia, there is a pending amendment.

Without objection, the amendment is set aside.

AMENDMENT NO. 1429 TO AMENDMENT NO. 1293

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. NUNN, Mr. EXON, and Mr. BREAUX, proposes an amendment numbered 1429 to amendment No. 1293.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add a new subpart (f) to section 173 of the Act (as amended by the Mitchell-Dole compromise):

(f) The permitting authority of a State or political subdivision shall allow a source to offset by alternative or innovative means emission increases from rocket engine and motor firing, and cleaning related to such firing, at an existing or modified major source that tests rocket engines or motors under the following conditions:

(1) any modification proposed is solely for the purpose of expanding the testing of rocket engines or motors at an existing source that is currently permitted to test such engines;

(2) the source demonstrates to the satisfaction of the permitting authority of the State or political subdivision that it has used all reasonable means to obtain offsets, as beyond permitted levels, that all available offsets are being used, and that sufficient offsets are not available to the source;

(3) the source has obtained a finding from the Department of Defense, Department of Transportation, National Aeronautics and Space Administration or other appropriate federal agency, that the testing of rocket motors or engines at the facility is required for a program essential to the national interest; and

(4) the source will comply with an alternative measure, imposed by the permitting authority, designed to offset any emission increases beyond permitted levels not directly offset by the source. In lieu of imposing any alternative offset measures, the permitting authority may impose an emissions fee, which shall be an amount no greater than 1.5 times the average cost of stationary source control measures adopted in that area during the previous three years. The permitting authority shall utilize the fees in a manner that maximizes the emissions reductions in that area.

Mr. WARNER. Mr. President, I would like to have the record reflect that the distinguished Senator from Nebraska [Mr. EXON], the distinguished Senator from Georgia [Mr. NUNN], and the distinguished Senator from Louisiana [Mr. BREAUX] are cosponsors of the amendment.

The PRESIDING OFFICER. Without objection the record will reflect those names added as cosponsors.

Mr. WARNER. Mr. President, I am today offering an amendment dealing with the testing of rocket engines and motors. Although the amendment has been a moving target, I believe it has been cleared by the managers on both sides, and is supported by the administration.

I think at this point I would ask the managers to indicate to the Senator from Virginia whether the amendment is indeed cleared on both sides.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Yes, the Senator from Virginia is quite correct, this amendment has been cleared on this side. It is an amendment that deals with the testing of rocket engines under certain conditions. The powers in this amendment will only have to be invoked on—I do not want to say rare occasions, but it is certainly not going to occur constantly. Therefore, we believe it is a good amendment.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. President, I suggest the absence of a quorum so that we may discuss this matter.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, it is quite understandable to the Senator from Virginia that the majority side still has to check with one Senator. While that is being done, I will proceed to state my reasons for adoption of this amendment and then, if we have not received word from that Senator, I shall, as a courtesy to both sides, reinstitute the quorum call.

Mr. President, my amendment will ensure the continued testing of rocket engines and motors, an activity of paramount importance to our national defense. These rocket engines and motors will propel space launch vehicles and missiles which, in turn, support vital civilian and military missions. Specifically, these testing activities support such space and defense programs as the space shuttle, space station, Titan, Delta, and Atlas launch vehicles, as well as the small ICBM, Trident, and Peacekeeper missiles. In addition, overhead reconnaissance for intelligence purposes is in many ways dependent on our ability to test rocket engines and motors for launches and, again, to perform that testing within the continental limits of the United States.

The pending revision to the Clean Air Act, if enacted in its current form, could have an impact on these programs and, thus, have an impact on America's abililty to remain competitive in the space and defense fields. Under the proposed bill now before the Senate, testing facilities could well, and I underline "could well," be required to move from one State to another—depending on each State's level of air quality—or to move offshore or close completely.

Mr. President, I am confident that my colleagues in the Senate will consider such a result—that is, of moving offshore or closing down—to be contrary to the interest of the Nation.

Further, I think my colleagues would find it undesirable for one State to be pitted against another in determining which State, based on air quality, might be able to accept this type of testing activity.

Mr. President, for these reasons, I am confident that my colleagues will understand this amendment and consider it in the interest of the United States.

The States that have accepted the responsibility of supporting rocket engine and motor testing facilities have also accepted the benefits of the employment opportunities that these facilities bring, as well as national recognition attached to this activity. These types of engines and motors have been on the very forefront of America's technology. We must continue to move those perimeters forward if we are to stay competitive in the world. I am hopeful particularly that, at some point, we will also become more competitive in civilian launching of certain satellite systems.

Those States, therefore, that have provided support for and accepted the benefit of this activity for many years should not be allowed, in my judgment, to close testing facilities or send them offshore without making at least some attempt to find alternative measures that would allow these facilities to continue to operate.

Mr. President, my amendment is a very simple one. It would require that private and public companies operating rocket engine and motor testing facilities find offsetting reductions in emissions equal to the amount of the limited, short-term additional emissions associated with the installation of new or modified equipment on these facilities. I should point out to my colleagues that this amendment requires that testing facilities be subjected to the same offset requirement as all other major stationary sources must meet.

Under the amendment, State and local permitting authorities would be authorized to find offsets for emissions increases through alternative means only, and I repeat, only if the following criteria are met:

First, any modification proposed is for the purpose of expanding testing facilities;

Second, the source is unable to obtain offsets after all reasonable efforts have been used to obtain them;

Third, the source has obtained a finding from the appropriate Federal agency or department that testing at the facility is required for a program essential to our national interest; and

Lastly, the source has complied with an alternative measure designed to provide offsetting emissions reductions, imposed by the permitting authority of the State or local government.

Mr. President, I would like to address a point that may be of concern to some of my colleagues. Rocket engine and motor testing does not contribute in a significant way to current emissions levels. Testing of these sources is not a continuous process. It is quite sporadic. Generally, tests only last several seconds, with one or two tests per day per site being performed at fewer than 20 sites nationally.

Therefore, Mr. President, this is an extremely fair solution, I believe, to a most difficult and pressing problem. Clearly, rocket engine and motor testing must continue for our own national interest. And, just as clearly, we must take all necessary steps to improve this Nation's air quality. Consequently, this amendment seeks to strike a reasonable balance between those important goals by allowing local air quality authorities flexibility in fashioning alternative emissions controls.

I urge my colleagues to support this amendment, and I thank both managers for their cooperation for a number of days during which this amendment has been worked and reworked to try and meet the legitimate concerns of those Senators primarily from the States in which the testing is now being undertaken.

Mr. NUNN. Mr. President, I am pleased to cosponsor the amendment of my friend from Virginia, Senator WARNER, the distinguished ranking member of the Armed Services Committee.

He has correctly pointed out that it is essential to the national interest that we maintain, and as necessary expand or modify, our ability to test engines and motors for rockets and missiles. These engines and motors propel the space launch vehicles and missiles which support our country's vital civilian and military communications satellites, space research, and national defense. Proper testing of these engines and motors is essential to ensure launch reliability and safety.

At this time, there is no known control technology for effectively reducing rocket engine and motor emissions. At the same time, offsets for modified or expanded test facilities in nonattainment areas may not be available. Senator WARNER's amendment provides a way out of this potential impasse.

The amendment would ensure that testing requirements and environmental concerns can be met. Under appropriate safeguards, testing could proceed, and the safeguards also provide the flexibility and incentives for private industry and government officials to develop control technology or alternative offsets to preserve air quality.

State and local permitting authorities would be authorized to allow a source to offset by alternative or innovative means emissions increases from expanded testing, but only if the testing source demonstrates that sufficient direct offsets cannot reasonably be obtained and that the testing activity is essential to the national interest. The possible alternative offset means include emissions fees, which in turn shall be utilized for maximizing air quality in the affected area. These safeguards protect the public interest

and the rights and responsibilities of the permitting authorities.

I applaud Senator WARNER for this innovative resolution of an important issue. I thank the Environment Committee and the Senators from the affected States for their cooperation. Finally, I urge my colleagues to support this amendment.

Mr. DOLE. Mr. President, I am pleased to support the amendment offered by the distinguished ranking Republican on the Senate Armed Services Committee, Senator WARNER.

This amendment will ensure that the provisions of the Clean Air Act will not restrict the vital activities associated with many national security programs that rely on the continued testing of rocket engines and motors.

It does so, however, without attempting to circumvent emissions reductions. The amendment requires that launch and test facilities be subject to the same offset requirements as all other major stationary sources.

My colleague from Virginia points out that rocket and motor testing do not contribute in a significant way to current emissions levels. Nevertheless, the provisions of this amendment do not exempt these rocket launch and test facilities.

Instead, this amendment recognizes that national defense and clean air are high priorities and it manages to protect and promote both—to the benefit of U.S. national interest.

Mr. CHAFEE. Recognizing that the other side may still have problems, I just want to say on this side it has been cleared. This is a good amendment. I extend thanks to the distinguished Senator from Virginia for his thoughtfulness in bringing forth this amendment because I think it is important to our national security.

Mr. BURDICK. Mr. President, there is no objection from this side.

The PRESIDING OFFICER. Is there additional debate?

Mr. WARNER. Mr. President, I thank the managers again for their cooperation. My good friend, Senator CHAFEE, mentioned national security. If I may say, I think it is broader. It is in the national interest, security well as civilian. I am hopeful America can become more competitive in certain backup systems that are desperately needed in civilian areas. So I thank the managers of the bill.

I thank the Chair.

Mr. CHAFEE. Mr. President, I thank the Senator from Virginia for amplifying the scope. I indicated it was defense. He is quite right; it goes beyond that. It helps our international competitive position in this field that, hopefully, is going to be increasingly used as a market for American technology.

Mr. WARNER. Mr. President, I would like the record to reflect the appreciation of the Senator from Virginia to the distinguished chairman of the Environment and Public Works Committee, Mr. BURDICK. It is a privilege to serve on that committee.

Mr. INOUYE. Will the distinguished managers of the bill, the Senator from Montana and the Senator from Rhode Island, confirm for this Senator the intent of the new source permitting procedure under the substitute bill to end the existing confusion and inefficient administration under the Clean Air Act. This Senator has in mind a specific situation where the current law has resulted in a costly administrative standoff between a State and the U.S. Environmental Protection Agency. It is this Senator's understanding that the substitute bill would preclude such an administrative loggerhead through a simplified and expedited procedure for approval of State implementation plans [SIP], permitting programs, and individual permit reviews.

The current Clean Air Act created a framework for attaining and maintaining national air quality standards. The legislation relies on the States to administer and enforce the law. It provides that each State has the primary responsibility for assuring air quality in its jurisdiction. Each State has the responsibility of promulgating a State implementation plan to carry out the legislation. Under current law, EPA must approve a SIP when it determines that the plan was adopted after proper notice and hearing and provides sufficient mechanisms by which air quality requirements can be attained. The State of Hawaii established its SIP under this procedure.

Each SIP must contain a permit program to regulate the modification, construction, and operation of any major stationary source. In regions already meeting national air quality standards, no major emitting facility may be constructed without a "prevention of significant deterioration of air quality" [PSD] permit. A major emitting facility must incorporate the best available control technology for each regulated pollutant. This provision enables the permitting authority to determine the maximum achievable reduction in emissions taking into account energy, environmental, and economic considerations. And the permitting authority can then impose such limits on the proposed facility.

In 1978, EPA published notice in the Federal Register that Hawaii's SIP did not include a permit program for prevention of significant deterioration [PSD] of air quality. Under those circumstances the act mandates that EPA promulgate a Federal permitting program. Accordingly, to correct this SIP deficiency, EPA incorporated the Federal rules into the Hawaii SIP. As envisioned by the Clean Air Act, EPA urged the State to explicitly adopt State PSD rules in the SIP to supplant the Federal rules and Federal administration of the PSD permit program in Hawaii. To this date this worthwhile objective has not yet been achieved.

In response to EPA's notice, Hawaii's Department of Health began to draft a PSD permit program. As an interim measure, EPA in November 1983 partially delegated authority to the Hawaii Department of Health for the implementation and enforcement of a PSD program until the State finalized its regulations. The interim procedure provided for concurrent sharing of permitting authority by the State of Hawaii Department of Health and by the Federal EPA.

After public hearings and advisory committee review, the Governor of Hawaii approved prevention of significant deterioration regulations for the State. On April 28, 1986, Hawaii's Director of Health submitted the regulations to EPA's Region IX Administrator in San Francisco, CA, for approval and incorporation into the Hawaii State implementation program. The transmittal letter stated that approval of the prosposed revision would have the beneficial effect of allowing the State of Hawaii's Department of Health to issue permits without duplicative submissions for both State and EPA review in each instance.

On October 23, 1987, EPA's Region IX informed Hawaii's Department of Health that the State's proposed PSD rules did not comply with Federal requirements published in 1985 for stack heights nor with revised requirements for suspended particulates published in July 1, 1987. With regard to the stack height requirements, the letter noted that EPA intended to publish a notice to impose uniform rules which would cure Hawaii's SIP omission. But since the notice had not yet been approved for publication, Hawaii's proposed rules were deficient and EPA therefore returned the submission without approval.

However, rather than have the State and Hawaii revise its proposed regulations, EPA's Region IX urged that Hawaii continue to administer the PSD permit program under partial delegation. The State of Hawaii felt that another revision would be time consuming and costly; in a letter dated November 4, 1987, the State agreed to this arrangement.

It is important to note that under this arrangement, EPA retains final responsibility for permit reviews. To secure a permit, a company must explain its request to EPA as well as the State of Hawaii. The Clean Air Act, however, envisioned the States ultimately having primary responsibility.

A division of responsibilities between EPA and the State of Hawaii would work better if both employed the same judgment in applying the Clean Air Act to specific situations. This has

been difficult in Hawaii due to the island conditions pertinent to the emitting source. EPA and the State of Hawaii have had judgment perspectives which are not always consistent.

The permitting system can cause difficulty. In February 1987 a small electric utility applied for a PSD permit for two generation units to meet growing consumer demand. For a variety of reasons, the utility did not receive the permit until nearly 3 years later. According to the utility, the delay increased the threat of power outages to utility customers.

The substitute bill establishes an operating permit system for better enforcement of State implementation plan requirements. This system is streamlined to avoid the problems I have mentioned. Furthermore, as this Senator understands it, the bill managers intend the operating permit system to allow the States and EPA to take into account special conditions that may affect any particular source. This is a laudable recognition that the new operating permit system must be flexible enough to factor in local conditions in evaluating an application.

Chief responsibility for operating permits rests with the States, and EPA must approve State implementation plans unless the plans are in variance with the Clean Air Act. Furthermore, EPA should assist the States in overcoming obstacles that may stand in the way of a State's management of its own permit program. After a State implementation plan and permit plan are established, EPA will have explicit authority to review permits proposed by the States. To avoid an administrative logjam, the bill gives EPA 90 days to object. It EPA fails to object within that period and no other participant objects, the State is free to issue the permit. Since EPA can veto any permit to which it objects as being inconsistent with the requirements of the act, it should not be reluctant to transfer permit issuance authority to the States.

Is this understanding correct? Is this Senator accurate that the new permitting procedure in the substitute bill seeks to preclude the administrative deadlock regarding new source permitting that I have cited from arising with respect to operating permits and is this Senator also correct that the permitting system will take into account local conditions?

Mr. BAUCUS. Mr. President, the senior Seantor from Hawaii is correct in his understanding that the substituta bill will preclude the administrative gridlock and turf fight. EPA must work with the States to facilitate each State's administration of its own permit program. The new operating permit system would also allow flexibility for special conditions, such as conditions which may be unique to sources in the Senator's State to be taken into account. However, I do want to note that the operating permit program contained in title V of the substitute would not affect permitting under the nonattainment or prevention of significant deterioration requirements for new or modified major sources. Each State must continue to meeet the requirements or part C and D of the act which are not affected by the amendment.

Mr. CHAFEE. This Senator is in accord with the understanding of the senior Senator from Hawaii.

Mr. INOUYE. This Senator thanks the distinguished managers of the bill for their clarification and for confirmation of the bill's intent.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia.

The amendment (No. 1429) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1430 TO AMENDMENT NO. 1293

Mr. DURENBERGER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER] proposes an amendment numbered 1430 to amendment No. 1293.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

URBAN BUSES

On page 143, at the last line of the table, strike:

"Heavy duty buses.....1991 and after..... 0.1 gbh."

and insert in lieu thereof:

"Heavy duty buses.....1992 and after..... 0.1 gbh.".

On page 218, line 13, insert "(1)" after "(e)".

On page 218, line 20, strike "1994" and insert in lieu thereof "1997".

On page 218, line 26, strike "paragraph" and insert in lieu thereof "subsection".

On page 219, line 1, strike "1994" and insert in lieu thereof "1997".

On page 219, line 1, after "as follows" insert the following: "(A) for metropolitan statistical areas or consolidated metropolitan statistical areas with a population of one million five hundred thousand persons or more,".

On page 219, line 7, after "later model years" insert the following: "; and (B) for metropolitan statistical areas or consolidated metropolitan statistical areas with a population of less than one million five hundred thousand persons but more than one million persons, 10 per centum of new urban buses purchased or placed into service in model year 1993; 25 per centum of new urban buses purchased or placed into service in model year 1995; 60 per centum of new urban buses purchased or placed into service in 1996; and 100 per centum of new urban buses purchased or placed into service in 1997 and later model years".

On page 219, line 9, strike "paragraph" and insert in lieu thereof "subsection".

On page 219, after line 10, insert the following:

"(2) Not later than twelve months after the date of enactment of the Clean Air Act Amendments of 1990, the Administrator shall promulgate regulations requiring that, beginning January 1, 1992, any urban bus operating in any area specified in paragraph (1) shall, at the time of any major engine overhaul, be retrofitted so as to comply with the emissions standards under section 202(a) applicable for model years 1992 and after to new urban buses.".

Mr. DURENBERGER. Mr. President, the amendment which is before us now modifies the provisions of the bill relating to urban buses. The bill currently has two requirements for urban transit buses. One requirement imposes a new particulate standard in 1991, and the second provision requires new urban buses to begin using alternative fuels in 1994.

The purpose of this amendment is to modestly delay each of these requirements so that bus manufacturers and transit companies have more time to meet these new standards. The tailpipe particulate standard is delayed until model year 1992 from 1991, and the alternative fuel requirement for medium-sized cities, those between 1 million and 1.5 million persons, will have until 1997 to completely phase in the alternative fuels requirement.

A third provision in this bill requires that buses, when retrofitted, meet the new particulate standards. This can be done using particulate trap technology which is just now coming to the market.

Diesel particulate emissions from buses and trucks are estimated to cause 800 cases of cancer per year. Most of the cases are attributable to urban buses, and this provision will assure that each of the 7,000 buses overhauled each year will be upgraded to dramatically reduce these emissions.

The provision was suggested to us by the State of California, and the so-called California-New York alternative buses program.

Mr. President, when we say dirty air, to most Americans, I bet most people think of that as soot that comes from a truck or bus that starts up or shifts gears right when we happen to get behind the bus. The provisions that I have outlined solve that problem. By the end of the decade we will see the end of those black clouds on all of our city streets.

Mr. President, I urge adoption of this amendment.

Mr. CHAFEE. Mr. President, just a couple of questions to the sponsor of the amendment. I notice that it is for a fairly restricted group of cities. In other words, as I read the amendment, it is for those cities that are between 1 million and 1.5 million. Is the Senator covering many cities when he limits it to those metropolitan areas? It seems to me there must be a lot of cities that are a little less than 1 million or a lot of cities that are just over 1.5 million. I was curious why he chose that group of cities.

Mr. DURENBERGER. Mr. President, the provision in the bill begins at 1 million. It does not apply to cities under 1 million. And the amendment provides an exception only for what we call medium-sized cities, those cities between 1 million and 1.5 million. All others, the larger cities over a million and a half, will comply with the requirements in the original bill.

Mr. CHAFEE. Does the original bill require a trap on those buses?

Mr. DURENBERGER. Mr. President, the original bill requires alternative fuels by the deadlines set up in the law, originally 1991, now 1992. That is an alternative fuel requirement in the original bill.

Mr. CHAFEE. I guess we could safely say then for all cities over 1 million, they are either covered by this provision which is the trap to capture the diesel emissions or they go into the alternative fuels program; that is for those over 1.5 million.

Mr. DURENBERGER. Yes. Mr. President, it is safe to say all cities over 1 million will have to comply with the alternative fuel requirement. There is only introduced here an exception for a brief period of time for the medium-sized cities between 1 million and 1.5 million but by 1997 they have to comply with the alternative fuels requirement as well.

Mr. CHAFEE. Mr. President, the amendment is acceptable on this side. I want to commend the Senator from Minnesota. He has given a lot of thought to these matters, particularly the urban mass transit problems. This is further evidence of his thoughtfulness.

Mr. BURDICK. Mr. President, there is no objection to the amendment on this side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 1430) was agreed to.

Mr. DURENBERGER. Mr. President, I move to consider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I was pleased to work closely with the distinguished Senator from Minnesota [Mr. DURENBERGER] on the amendment he offered pertaining to urban buses.

The Senator from Minnesota was well aware of my concerns that the urban bus provision coming out of committee could have a disastrous effect on the marketing of buses by the TMC bus company in Roswell, NM.

TMC almost exclusively manufactures diesel buses and it constructs about 33 percent of all buses made in this country. The combination of a phasein of clean fuel buses in urban areas over 1 million people starting in 1991, along with the imposition of a 0.1 particulate standard in model year 1991, guaranteed that TMC would not be selling any buses for several years.

The amendment offered by Senator DURENBERGER will help the situation. His amendment delays imposition of the 0.1 standard until the 1992 model year. In addition, it contains a different phasein schedule for cities between 1 million and 1.5 million people—phasing in the clean fuel requirement between 1994 and 1997.

Mr. President, this amendment does not deal with all of TMC's problems, but it is significantly better than what was contained in the committee bill. I thank the Senator for working with me on this amendment, and I look forward to continuing a dialog with him as this legislation moves forward.

Mr. DURENBERGER. Mr. President, I suggest the absence of a quorum.

Mr. COCHRAN. Mr. President, will the Senator withhold the request for the absence of a quorum?

Mr. DURENBERGER. Yes.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the quorum call be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I thank the Chair.

Mr. President, I would like to ask the managers of the bill, if no one is seeking to offer an amendment at this time, if they have any objection to my seeking unanimous consent to proceed as if in morning business for a minute or two.

Mr. CHAFEE. Mr. President, that is perfectly suitable to this side. Frankly, just before the Senator starts, if I could make a public plea to anybody who is listening who has an amendment, either one that will be accepted or one that will not be accepted, now is the time to bring those amendments over, that amendment, or any others; either debate it, or if the managers agree to have it accepted so we can dispense with some matters that otherwise would delay us until tomorrow. How much time would he like?

Mr. COCHRAN. Two minutes.

Mr. CHAFEE. Fine.

Mr. BURDICK. We have no objection.

The PRESIDING OFFICER. Without objection, the pending matter will be temporarily set aside.

The Chair recognizes the Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. I thank the managers of the bill very much.

ABUSES UNDER THE COPYRIGHT DOCTRINE

Mr. COCHRAN. Mr. President, a recent article in a publication entitled "News, Inc." confirms that legislation is still needed to prevent abuses under the copyright doctrine of work made for hire.

I introduced legislation several years ago to redefine and give effect to the rights that freelance writers, photographers, artists, and graphic artists have in the works they create as freelance artists.

A doctrine has developed under the 1976 Copyright Act that permits publishers to cut off the rights that creators have in their works of art by requiring them to sign away those rights through language on the back of a check, providing that by endorsing the check the payee waives any rights under the copyright law to the work of art for which the check is compensation.

The effect is that when a freelance artist tries to sell a photograph to a newspaper or an article to a magazine he is often confronted with an ultimatum, in effect. If he wants to get paid, he must sign away all his rights in that work of art under the Copyright Act of 1976, legislation which was written to protect the rights of artists and other creators of works of art. This part of the law needs to be corrected and addressed by the Senate.

The Judiciary Committee held hearings last year that were very helpful and that illustrated that there is a hiatus in the law that needs to be dealt with. We hope that Senators will urge the committee to report out a remedy, if not the bill I offered several years ago, then some other legislation

to ensure that the effect of the copyright law is to protect artists' rights and creators' rights, rather than to provide an opportunity for publishers to cut off those rights as originally protected in the 1976 Copyright Act.

A recent article in News Inc., confirms that legislation is needed to prevent abuses under the copyright doctrine of "work made for hire." In an article entitled "Possession Is Still Nine-Tenths of the Law," author Sheryl Fragin discusses the impact on the newpaper industry of the recent Supreme Court decision in Community for Creative Non-Violence versus Reid. While the Court's ruling makes it more difficult for newspaper publishers to argue that they own the copyrights in freelancers' work because the freelancers are newspaper employees, the writer concludes that in practice freelancers still find it difficult to protect and enforce their rights. One example of this is the contractual practice of some publishers to require freelancers to sign work-for-hire agreements stamped on the backs of checks.

I introduced legislation last year to bar these practices and to give creators a more meaningful opportunity to benefit from the copyright protection Congress intended in the 1976 Copyright Act. The Fragin article describes difficulties that creators encounter when publishers either assume they own all copyright rights without buying them from authors or force authors to sign after-the-fact work-for-hire agreements vesting all rights in the publisher. While my bill, S. 1253, would not eliminate all difficulties, it would forbid some of the egregious practices that deprive authors of their rights without negotiation or fair compensation.

In one respect, however, the News Inc. article misses the point of my bill. In suggesting that S. 1253 has "no teeth," the author fails to understand that, rather than seeking to enlarge existing remedies, my bill seeks to restore the ability of creators to claim rights that Congress thought it guaranteed in the 1976 law. My purpose is not to supplement the copyright law with greater civil penalties, but to protect the rights of authors and artists of all types and to ensure that all of us continue to enjoy the fruits of their creativity.

Mr. President, I ask unanimous consent to have the News Inc. article printed in the RECORD, and I urge all those wishing to preserve American creative leadership to read it and to join me in seeking prompt enactment of S. 1253.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the News Inc., January 1990]

WORK-FOR-HIRE RULING—POSSESSION IS STILL NINE-TENTHS OF THE LAW

(By Sheryl Fragin)

Ever since June, when the Supreme Court refused to grant an advocacy group the copyright to an artwork it had commissioned, lawyers have been scrambling to assess how the ruling will shake out for publishers. The uncomfortable truth: Newspapers regularly violate copyright law—and probably can continue to do so with impunity.

Almost every newspaper, large or small, depends upon outside writers and photographers, whether for high school football copy or car crash photos. Under the 1976 copyright law, those freelancers hold the rights to their own work unless there is a written work-for-hire contract reassigning rights. Typically, editors don't bother with such paperwork—which is fine—while assuming they can reuse the work however they like—which is not fine.

What the Supreme Court did was make it tougher for them to skirt the law with arguments that freelancers are de facto employees whose work is owned, copyright and all, by the newspaper. It's a rationale that some lower courts have swallowed—and it wasn't entirely dismissed in June. In fact, the Supreme Court specifically refused to limit the definition of employee to formal, salaried workers. Instead, it ticked off a 12-point laundry list of qualifications. But the list, including such minutiae as who supplies the freelancer's "instrumentalities and tools," is sufficiently tangled and obscure to make it nearly impossible for publishers to satisfy.

"The way I read the decision, and the way most copyright attorneys see it, is that under those factors, most freelancers will not be employees," says Charles Ossola, a Washington, D.C., copyright lawyer who represents the Copyright Justice Coalition, an amalgam of over 50 freelancers' groups.

Nevertheless, some papers still blithely assume all rights, when no such prerogative exists. "In the main, freelance pieces are ours to syndicate," says Ruth Walker, assistant managing editor at the Christian Science Monitor. The Monitor doesn't offer picture or story contracts "It's a little more informal than that"—but routinely puts both on the Los Angeles Times/Washington Post wire. "What you do every time you sign a check from them" says freelancer Chris Norton, a regular contributor from El Salvador, "is endorse their stamp on the back saying that they have all rights." The practice, according to Bill Patry, policy planning advisor at the U.S. copyright office, is an abuse of the law.

But—and this is a big but—neither Norton nor any of their other freelancers are ever likely to complain, no less sue. With first-run story payment at $150 or less, many writers say they won't risk alienating their clients over some nominal reprint fee. In fact, they probably won't even know that their piece has been reprinted.

Sally Chew, publications director for the Committee to Protect Journalists, has done several op-eds for the L.A. Times in the past year, all of which may have been picked up over the Times wire. "I only know of one that was used," she says, "in the Wichita Eagle-Beacon—but that's because someone clipped it for me." And Chew, like others interviewed, has conflicting feelings about the practice. "From my perspective, sure I'd like to get paid, but I also like the idea of getting published in obscure parts of the country."

Even if a writer or photographer were to sue for copyright infringement, there are no prescribed fines involved unless the work has been registered with the copyright office—a highly unlikely prospect, according to the government's Patry. So most freelancers could only collect on whatever damages they could prove. More important, the law specifies that if they haven't registered, they can't recover legal fees (which would generally far outweigh what they win).

Legislation now pending in the Senate might change the status quo a bit, though scarcely raise the stakes. Proposed by Mississippi Republican Thad Cochran, it would define employee literally, and would require papers to sign freelance contracts before work is started, if they hope to reprint it. But, says one industry source, "nobody's bent out of shape about this bill," expecially not editors, who can simply rewrite rather than worry about contracts and reprint rights. The bill also has no teeth. It doesn't propose any civil penalties beyond those in the current law—meaning freelancers will still need to register their work with Washington. "The senator's bill is just to clarify the original intent of the copyright act," says Cochran's legislative assistant, Linda Roach.

The paper that would perhaps be most affected by Cochran's bill is USA Today, which often relies on freelance for its roundups and briefs. "We send a letter out every February to all our freelancers that ask them to give us the rights to their work," says Wanda Lloyd, senior editor for administration. The stories are then available to all of Gannett, free of charge. Not photos, though, according to a terse letter from USA Today managing editor Richard Curtis to Photo District News in 1988. It seems the freelancer letter had been "mistakenly" mailed to photographers—a foulup that was quickly corrected because USA Today and Gannett "have always treated freelance photographers fairly and equitably," Curtis wrote, never asking them to do work for hire. Whatever the implications for the paper's freelance writers, Cochran's bill would make the issue moot; blanket contracts are unacceptable.

Freelancers, of course, would love to see the whole concept tossed. "We oppose work for hire on more than just practical grounds; we oppose it on moral grounds," says Richard Weisgrau, executive director of the American Society of Magazine Photographers. "We're the guys who get shot in the trenches; let's at least get the credit line."

The ethics of the arrangement are actually getting a good deal of play these days, as Congress shows growing interest in "moral rights." A French concept, it would give authors—freelance or staff—the inalienable right to approve any word change or references to their work. "We're much more concerned about the application of moral rights than Cochran's bill," says ANPA lawyer René Milam. Though nothing is pending at the moment, according to Milam, Senator Dennis DeConcini (D-Arizona) held hearings on the subject in September and "wants to get it out on the table." Considering that Cochran's infinitely tamer bill has been shot down every year since 1982—not to mention that DeConcini is somewhat preoccupied with an ethics probe into his relationship with Lincoln Savings & Loan—moral rights proponents faces an uphill battle.

For some, however, the morality of the copyright issues is plain and simple. Says

National Writers Union president Alec Dubro: "You might call it copyright infringement; I call it theft. If I used your car without permission, you'd call the police."

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. LIEBERMAN). Who seeks recognition?

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho [Mr. McCLURE].

AMENDMENT NO. 1431 TO AMENDMENT NO. 1293

(Purpose: Comparable controls on Canadian Electricity Imports)

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE] proposes an amendment numbered 1431 to amendment No. 1293.

Mr. McCLURE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 449, after line 19, insert the following new section:

"CERTIFICATION OF EQUIVALENT ACID RAIN CONTROLS

"SEC. 416. (a) IMPORTS OF ELECTRICITY.—Except for imports of electricity pursuant to contracts entered into prior to the effective date of the Clean Air Act Amendments of 1990, after January 1, 1994, it shall be unlawful for any person to import electricity, unless the Administrator, in consultation with the Secretary and the Secretary of Energy, has published a decision, after notice and opportunity for public comment, certifying, in accordance with to subsection (b) that the nation from which such electricity is imported has established and is implementing a national program of emission requirements and controls on existing and new steam-electric utility units on a schedule and in a manner that is at least as stringent as the compliance schedules for and limitations on emissions under this Act and the Clean Air Act for similar utility units in the United States, except for imports of electricity under subsection (c).

"(b) CERTIFICATION OF NATIONAL PROGRAM.—The Administrator shall not cerfify any national program or utility unit under subsection (a) unless it is determined that—

"(1) the nation has adopted legislation or regulations which give the emissions reductions and control schedules for each pollutant the force of law and is implementing such program; and

"(2) the legislation or regulations include performance standards, reporting requirements and enforcement provisions no less stringent than those specified under this Act and the Clean Air Act, and that the information contained in such reports is available to the Administrator and the Secretary upon request.

"(c) CERTIFICATION OF UTILITY FACILITIES.—Unless imports of electricity are from a nation certified under subsection (b), after January 1, 1994, it shall be unlawful for any person to import electricity, unless the Administrator, in consultation with the Secretary and the Secretary of Energy, has published a decision after notice and opportunity for public comment, certifying that—

"(1) the electricity to be imported is exclusively from an identified utility unit that converts nuclear fuel or renewable energy resources to electricity; or

"(2)(A) the utility unit is subject to emissions limitations at least as stringent as those specified under this Act and the Clean Air Act; and

"(B) the utility unit will meet emissions monitoring, inspection and reporting requirements at least as stringent as those specified under this Act and the Clean Air Act, and that the information contained in such reports is available to the Administrator and the Secretary upon request.

"(d) REVOCATION.—At least biennially, the Administrator, in consultation with the Secretary and the Secretary of Energy, shall review each certification made under this section and shall revoke the certification, after notice and opportunity for public comment, unless it is determined that the conditions of this section remain satisfied and for a national program under subsection (b), that the emissions reductions for each pollutant are occurring substantially on schedule in such nation. Revocation shall take effect one hundred eighty days after notice of the revocation has been published.

"(e) SUPPLEMENTARY REPORT.—The reports required by the Administrator pursuant to section (see amendment 1303, adopted March 6) shall include an analysis by the Administrator, in consultation with the Secretary and the Secretary of Energy, of the differences in emission control levels of sulfur dioxide and nitrogen oxides between Canada and the United States. The report shall include a (1) detailed analysis of the actual or projected variable costs and fixed costs associated with United States and Canadian acid rain controls among fossil-fired generation units within interconnected and competitive regions and (2) an examination, with relevant supporting cost data, of the effect of differences in such controls on energy trade.

"(f) As used in this section the term—

"(1) "Administrator" means the Administrator of the Environmental Protection Agency;

"(2) "fossil fuel" means a naturally occurring organic fuel, including coal, crude oil, and natural gas or fuel derived therefrom;

"(3) "import" means to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs or trade laws of the United States:

"(4) "person" means an individual, corporation (including a government corporation), partnership, firm, joint stock company, trust, association, or any other entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof (including any interstate body), or of any foreign government (including any international instrumentality);

"(5) "renewable energy resources" means primary sources of energy that are essentially inexaustible including biomass, geothermal, wind, falling water, and solar radiation; and

"(6) "Secretary" means the Secretary of State.

Mr. McCLURE. Mr. President, I yield myself such time as I may consume.

The acid rain control provisions in the legislation before us will stipulate increases in imports of electricity.

Mr. CHAFEE. I wonder if I can interrupt with a quick question, Mr. President. This amendment would be subject to the 1-hour time limitation, equally divided, would it not?

The PRESIDING OFFICER. The Senator from Rhode Island is correct.

Mr. CHAFEE. I will be controlling the time on this side in opposition to the amendment.

Mr. McCLURE. The amendment I offer addresses inequities between Canada and the United States regarding the effect of differences in acid rain controls on future imports of electricity. It does so by seeking to achieve comparable atmospheric emission controls in Canada to those in the United States under Clean Air Act amendments currently pending before the Senate.

The amendment does four things: First, the amendment restricts future increases in the importation of electricity generated by fossil fuel-fired electric power plants that are subject to environmental control programs that are not equivalent to the programs provided for by the Clean Air Act, or atmospheric emission controls that are as stringent as the emissions control imposed on similar facilities in the United States under the Clean Air Act.

Second, the amendment establishes procedures by which the EPA Administrator can certify the equivalence of such program or emission limitations. The earlier amendment of Senator McCONNELL provides the information necessary for this certification.

Third, if certification of an equivalent program or emission limitations is not possible, a mechanism is provided for the imports of electricity from non-fossil generation facilities, such as hydroelectric or nuclear facilities, or renewable resource conversion facilities.

And, fourth, the amendment provides for a study of trade and other inequities created by differences between the acid rain controls in the United States and Canada.

This amendment addresses only future imports. The amendment does not affect current imports of electricity, nor does the amendment apply to future imports of electricity from non-fossil fuel-fired generating units, such as hydro or nuclear generation and renewable energy sources.

What we are seeking here, Mr. President, is a matter of future equity in our energy trade regarding fossil fuel derived electricity. From this perspec-

tive I would like to discuss several differences between the United States and Canada with respect to acid rain control, electricity imports and exports and their industrial and trade implications for all Americans.

BACKGROUND

The focus of the debate on the acid rain provisions has centered on the Eastern United States. However, acid rain is a continental problem—not simply a problem for the Northeast region. Yet, substantial regional differences do exist that cannot be taken lightly.

At stake are thousands of jobs, competition between producers of high- and low-sulfur coal, the possible investment of billions of dollars in pollution control equipment; the competitive position of energy-intensive industries in world markets; and additional importation of energy intensive materials, goods and services, as well as natural gas and electric power from Canada.

I have long been a supporter of greater free trade. And one of commodities that the United States imports in significant quantities is many different forms of energy. But, more importantly, where Canada and Mexico are concerned, energy supplies imported into the United States are often accompanied by atmospheric pollution because of differences in pollution control requirements between countries. In other instances, this difference in control requirements is undertaken consciously so as to subsidize energy and other resources intended for export into the United States.

For example, electricity is one of the principal forms of energy which is freely traded by the United States across international boundaries with Canada and Mexico.

U.S. ACID RAIN CONTROLS

The legislation before us establishes a national, market-based approach for the reduction of acid rain precursors in the amount of 10 million tons of sulfur oxides annually from fossil-fueled electricity generation facilities. For this industry, this is a 50-percent reduction for actual 1980 emission levels. In the first phase of reductions under this proposal, intrastate and intrautility emission trading would be allowed. In the second phase, full interstate trading would be allowed. Without question, even under the market-based approach in this legislation, these reductions in acid rain precursors do not lend themselves to painless solutions. Most of the large sources in the United States are coal-fired powerplants located in the East and Midwest. In many areas, such as the Southwest and along our northern border, in States as far apart as New Mexico and North Dakota, relatively new powerplants have already installed scrubbers even though they burn low-sulfur coal. In fact, most of the new powerplants built in the past 10 years across the northern Great Plains are among the cleanest in the world. Often the required pollution equipment has amounted to nearly one-third of the total cost of these new coal-fired powerplants.

CANADA'S APPROACH TO ACID RAIN

Because acid rain is a North American problem, not just our problem, the obvious question is what approach is being taken by Canada to control atmospheric pollution and acid rain precursors. It is clear that, just as regional differences have plagued the development of the acid rain program in the United States, regional differences also exist in Canada. Correction of this disparity between western and eastern Canada would go a long way to demonstrate to Western Americans the resolve of all Canadians to fashion a comprehensive solution to acid rain.

The Western provinces of Canada, including Saskatchewan, Alberta, and British Columbia, are not presently a part of the Canadian acid rain control program. By comparison, the approach being taken by the seven Eastern provinces is to impose a cap on aggregate sulfur oxide emissions. All aspects of the program being undertaken by the seven Eastern provinces is ahead of schedule. Emissions of sulfur oxides have been reduced by 40 percent below 1980 levels, and the flow of sulfur oxides from eastern Canada into the United States has been reduced by one-third.

There are significant differences in approach to Canadian and United States acid rain controls, however. While the cap on acid gases in Eastern Canada calls for a 35-percent reduction, over 80 percent of the reductions required in eastern Canada may be accomplished through retrofits of nonerrous smelter and iron sintering facilities which are economic or produce a positive return on investment. This is because 60 percent of eastern Canada's emissions of sulfur oxides are from nonferrous smelters and about 15 percent from thermal powerplants. By comparison about 70 percent of the U.S. emissions come from thermal powerplants.

But the principal difference is one of Canada's unwillingness to fashion a comparable program to that in the United States, particularly in western Canada where there effectively are no controls. The failure of Canada to impose comparable restrictions to those in the United States simply transfers production of electricity across the border to British Columbia, Alberta, Saskatchewan, New Brunswick, and Nova Scotia, where little or no emissions controls exist, yet emissions occur, and electricity is imported along with toxic emissions and acid rain.

As I will discuss later in my remarks, the bill before us and the administration's acid rain proposals are national in scope. By comparison, Canada's acid rain program does not affect fossil-fueled generation in the Western Canadian provinces of Saskatchewan, Alberta, and British Columbia. In other words, Canada's cap on sulfur-oxide emissions has a major hole in the Western United States.

Yet, under the legislation before us similar generation facilities in the United States will be subjected to the high costs associated with our quest for clean air. And due to the resultant increase in electricity imports, there will be an additional negative trade balance that will continue to grow, approaching $1 billion.

ELECTRICITY IMPORTS

There is a growing dependence in the Northeast United States on imports of electricity from Canada. A 1989 GAO report indicates that there has been an increase in the number of firm power agreements with Canada since 1985, and imports of electricity from Canada are expected to increase 79 percent between 1988 and 2000 from 40 twh to 73 twh.

Imports of electricity from Canada into New England are projected to increase from 13 percent of consumption in 1987 to 15.2 percent in 1995 and 17.8 percent by the year 2000. In order to meet this increased demand, the New Brunswick Electric Power Commission plans 1,100 megawatts of additional coal-fired capacity by 1997, of which 900 megawatts would burn 1 percent sulfur coal without scrubbers and 200 megawatts will be fluidized bed combustion of 6 to 8 percent coal. Likewise, the Nova Scotia Power Corp. plans 900 megawatts of new coal-fired capacity by the year 2000 without scrubbers.

The majority of electricity imports from Canada is generated from hydroelectric facilities, and these hydroelectric facilities are supported by thermal sources: nuclear, coal, oil, and gas. Many of these facilities are located in Western Canada, such as the Boundary Dam and Coronach powerplants in Saskatchewan. And not only do many of these facilities burn low-sulfur coal, but they have not been required to add scrubbers. Admittedly, emissions from these Western Canadian plants make up a small part of the total North American pollution. Nevertheless, many Amercians along the border in such States as North Dakota can see the pollution plume from these plants from miles away.

In the electric sector, over the next 10 years, because of planned additions of 4,000 megawatts of coal-fired capacity, utility atmospheric emissions may actually increase in British Columbia, Alberta, Saskatchewan, New Brunswick, and Nova Scotia. Only 680 megawatts of planned additions are

expected to use clean coal or scrubber technology.

The intention of Canada to seek electricity markets in the United States is supported by British Columbia's announcement of its intention to create an export agency to market electricity in the United States. This agency would serve as a single source to market firm power and energy produced by public or privately owned companies in British Columbia. Among the energy supplies to be marketed by this agency may be coal-generated electricity from Alberta.

British Columbia alone anticipates a total of about 900 megawatts of firm electricity exports to utilities in the Northwestern United States beginning in the mid-1990's. To serve this market British Columbia plans to construct a 400-megawatt hydro unit at an existing plant and a 600-megawatt coal-fired plant dedicated to the export market. Under the current policy direction taken by British Columbia, it is anticipated that this coal-fired plant would be a private sector venture.

This is just one example of the expectation of Canadian utilities to avail themselves of an opportunity to build fossil-fired generation to support electricity sales to the United States. But, importantly, these facilities will be built with little or no emissions controls. The obvious question is, how serious are Canadians about controlling acid rain?

ELECTRICITY EXPORTS

On another front, the November 9, 1989, issue of Energy Daily reports that Ontario Hydro, the large Canadian electric utility, has been buying up to 2,000 megawatts of United States power since last April in an effort to reduce sulfur dioxide emissions in certain regions of Canada due to new tough acid rain controls.

Ironically, most of the power is being generated by the American Electric Power system's high-sulfur coal-fired units in the Midwest and is being wheeled to Canada through Michigan. This situation was not discovered until last summer when Allegheny Power system atmospheric monitors registered unexpectedly high levels of sulfur oxides.

In this instance, the United States must deal with the atmospheric emissions produced in this country that are associated with satisfying Canadian electric demand. Under the pending legislation, all Americans are being asked to subsidize the environmental cleanup of these facilities through a system of allowances. The practical effect is that all Americans will be subsidizing the generation of electricity for Canadian consumption.

Meanwhile, studies are underway regarding an integrated power grid for North America. The obvious question is, is there going to be comparability in acid rain controls, should such a grid be established?

FOSSIL FUEL IMPORTS

While my amendment only deals with electricity imports, acid rain legislation before us also will increase demand for imports of other fossil fuels such as natural gas for electricity generation. As imports rise there will be an accompanying increase in emissions from natural gas extraction, processing, and transportation along U.S. borders. Unless comparable emissions controls are imposed on Canada's and Mexico's production of these fossil fuels to those in the United States, we will be not only importing their fuels but the environmental impacts and atmospheric emissions associated with their production. In addition, our negative trade balance will grow.

DOE also projects that between 1988 and 2000 total U.S. natual gas consumption will increase from 18.1 to 21.0 trillion cubic feet [Tcf]. In part, because of environmental concerns, consumption just for electricity generation is expected to increase from 3.2 to 6.2 Tcf. Natural gas imports will increase from 6 to 12 percent of energy consumption in this country. At the same time, United States natural gas imports from Canada are expected to increase from 1.2 to 1.9 trillion cubic feet—from 6 to 9 percent of consumption.

TRADE IMPLICATIONS

Apparently, while the administration believes that its acid rain proposal will increase utility costs in major industrial areas in the United States, it also believes that trade in energy between the United States and Canada should not be significantly affected. In testimony before the House Subcommittee on Energy and Commerce last October, EPA Assistant Administrator Rosenberg stated that the administration's acid rain proposal is not expected to result in a significant increase in Canadian electricity imports—above future projected levels—of any type, including imports of power generated at Canadian coal-fired powerplants.

The report is frequently cited in the ICF's October 1989 preliminary draft entitled, "Review of U.S. Trade Issues in the Context of the Administration's Acid Rain Proposal." The ICF Trade Report attempts to project the effect of the administration's acid rain proposal on energy intensive industries and electricity, coal, and natural gas trade between the United States and Canada. The ICF Trade Report then goes on to state that "the administration bill will not cause a large increase in Canadian electricity imports."

Well, I disagree. Not only do the projected import levels represent significant increases over current levels, but the legislation before us is going to exacerbate the situation.

Neither the administration nor its consultants, principally a firm called ICF, have supplied historical data to support their statements. Moreover, neither of them have provided a comparison of actual or projected variable costs or fixed costs between Canada or the United States fossil fired generation units within even interconnected and competitive regions, never mind nationally. Similarly, there has not been an examination, with relevant supporting cost data, of the effect of current environmental law on energy trade between the United States and Canada.

By comparison, the 1989 report of the Canadian National Energy Board entitled, "Canadian Energy, Supply, and Demand 1987-2005," describes the present nature of energy trade between the United States and Canada and projections for the future. As I noted earlier, due to the resultant increase in electricity imports, there will be an additional negative trade balance that will continue to grow, approaching $1 billion.

And, as I also noted earlier, neither ICF nor Mr. Rosenberg mention that the Administration's proposal is national in scope, while the Canadian program does not affect fossil-fueled generation in the western Canadian Provinces of Saskatchewan, Alberta, and British Columbia. In other words, the administration ignores the fact that Canada's cap on sulfur oxide emissions has a major hole in the Western United States. This condition will likely drive mining jobs and the generation of uncontrolled emissions of toxics, sulfur oxides, and nitrogen oxides west and north of the border, while Americans purchase Canadian power and receive their emissions.

INDUSTRIAL IMPLICATIONS

Because electricity costs can be a determining factor in the worldwide competitive position of American industry, this disparity in emission controls has major trade implications for energy intensive industries.

We are all familiar with the plight of the American aluminum industry. In 1987, there were 23 aluminum smelters in the United States, employing 17,000 employees. These smelters, located in the Pacific Northwest, the Ohio Valley, North and South Carolina, Texas, and New York, accounted for 6.3 percent of all electricity consumed in industrial applications in the United States. About one-half of these supplies came from coal-burning utilities.

Since 1980 high costs of energy have contributed to the decline in our domestic aluminum industry. The costs of the measure before us may contribute further to this decline. But, more importantly, disparities in environmental controls will contribute even further to this decline.

Some countries have offered low power rates to attract new smelter ca-

pacity. For example, owners of a new smelter in Quebec recently negotiated a 25-year contract with Hydro Quebec that provided 50 to 60 percent discounts in electric power rates for the first 5 years of operations. According to the United States Bureau of Mines, one United States company, Alumax, after canceling plans to build a new smelter in Umatilla, OR bought into the Canadian Becanour smelter, because of lower electric power rates there.

FERTILIZER PLANT IN SASKATCHEWAN

Then there is another matter of very grave concern to me. The Canadian Province of Saskatchewan is committed to expanding its industrial base, but unfortunately has historically ignored commercial realities in attempting to accomplish this political goal. Its newest industrial expansion project, announced on February 7, 1990, is a world-scale nitrogen fertilizer plant. This project, like others before it, will be an ill-conceived, quasi-governmental enterprise that can survive only by reason of subsidies and preferential treatment.

This project, known as Saferco, is of major concern to many of us who wrote the U.S. Trade Representative on March 8. The disparity in the treatment of environmental concerns is a cogent example of the indirect subsidization of industrial development for export markets in the United States. Saskatchewan has approved construction of this plant and has waived a requirement for a Provincial environmental review. By waiving such a review, the plant will be built without the benefit of objective scientific review or public hearings to consider critical environmental issues.

Given Canada's commitment to address environmental issues such as acid rain and ozone depletion, and the historic criticism by Canada of the United States on these issues, I am dismayed by Saskatchewan's decision to essentially ignore sensitive environmental concerns in its haste to construct his huge chemical plant. Its failure to assess the environmental impact of the plant raises concerns not only about this impact, but also about the competitive advantage that the Province appears to be intentionally creating for its venture by "exempting" it from an environmental impact statement.

SUBSIDY STUDY

The negotiators of the recent Canada-United States Free Trade Agreement recognized the potential for distortions in bilateral energy trade and provided three dispute resolution mechanisms applicable to energy trade. In addition, the Free Trade Agreement calls for negotiations during the next 5 to 7 years of more effective rules and discipline concerning the use of government subsidies.

By their vary nature, environmental controls create disparities, for environmental controls and regulations are but one means for the internationalization of environmental costs. And differences in environmental regulation can only be considered subsidies.

Neither the administration nor its consultant, ICF, have undertaken a detailed analysis of the actual or projected variable costs or fixed costs associated with United States and Canadian acid rain controls among fossil-fired generation units within interconnected and competitive regions. Neither has there been an examination, with relevant supporting cost data, of the effect of current environmental law on energy trade between the United States and Canada. It is important that such an analysis be performed.

SUMMARY OF AMENDMENT

Mr. President, the amendment I offer addresses equities between Canada and the United States regarding the effect of differences in acid rain controls on future imports of electricity. It does so by seeking to achieve comparable atmospheric emission controls in Canada to those in the United States under Clean Air Act amendments currently pending before the Senate.

As I stated at the beginning of my remarks, this amendment does four things: First, the amendment provides for a study of the differences between acid rain controls in the United States and Canada and the extent to which those differences create energy and natural resources trade inequities.

Second, the amendment restricts future increases in the importation of electricity generated by fossil-fuelfired electric powerplants that are subject to environmental control programs that are not equivalent to the programs provided for by the Clean Air Act, or atmospheric emission controls that are as stringent as the emission controls imposed on similar facilities in the United States under the Clean Air Act.

Third, the amendment establishes procedures by which the EPA Administrator can certify the equivalence of such program or emission limitations.

And, fourth, if certification of an equivalent program or emission limitations is not possible, a mechanism is provide for the imports of electricity from nonfossil generation facilities, such as hydroelectric or nuclear facilities, or renewable resource conversion facilities.

What we are seeking here, Mr. President, is equitable treatment regarding the generation of electricity, equity that is not assured under the measure before us. My amendment corrects this situation, and I urge its adoption.

Mr. McCLURE. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

The Chair recognizes the Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, what this amendment does is, it would prohibit the importation of electricity generated from foreign fossil fuel utilities unless the Administrator of EPA is satisfied that the Nation, principally Canada, from which electricity was imported has established and implemented emission controls standards equal to those of the United States.

In other words, it seems to have a nice ring to it that we are cleaning up, we are imposing these requirements on our plants, 2.5 pounds of sulfur dioxide; no more than that can be emitted per million Btu by January 1, 1995. Why should not the others who are sending electricity into our country be subject to the same requirements. If EPA cannot certify that those nations have the same requirements, then that electricity cannot be imported into this country.

That has a nice ring to it, but I would like to point out the following flaws: First of all, this is clearly a violation of the General Agreement on Tariffs and Trade. One can say we do not care about that. That is what the United States is currently trying to get the rest of the nations in the world to agree to in the so-called Uruguay Round. This is extremely important to us. We are a fundamental underpinning of the General Agreement on Tariffs and Trade, the GATT. For us, as one of the prime pushers for GATT, which means so much for the future of our trade, not only in the items that are currently covered by that, we are trying to get those extended, but we are trying to move into new fields such as goods and services, such as financial services, banks, insurance, items that currently are not covered. We are pressing for that through GATT at the Uruguay Round. For us, of all people, to violate GATT would be a great mistake.

Furthermore, in connection with Canada, just in January of last year, a little over a year ago, there went into effect the United States and Canada Free-Trade Agreement, something that this Nation and Canada had worked extremely hard for, which passed this body overwhelmingly. I can remember the vote. If the opposition got more than 10 votes, I would be surprised, maybe 15 votes. The Canadian Free-Trade Agreement overwhelmingly passed.

That free-trade agreement specifically prohibits implementation of new import restrictions. It says it right there.

So this provision by the distinguished senior Senator from Idaho would violate that free-trade agreement.

What does the free-trade agreement do? It has a mechanism. As it says, no disputes will ever arise between us and Canada. Of course not. If we expect disputes to arise, that could possibly be one of them. But that free-trade agreement has a provision for handling these disputes. It has in it a dispute settlement panel. What one does is submit this complaint to the dispute settlement panel for them to come up with a determination. What is the dispute settlement panel? It is a panel that the United States has some members on, and Canada has some members on. They consider the matters that are brought before it and render a decision. That is the way to proceed under this particular amendment, not just violate the agreement flat out.

Also, it seems to me that this amendment raises broader issues than solely GATT or solely the Canadian Free-Trade Agreement. It raises the issue of whether one nation should unilaterally, that is, by itself—in other words, the United States alone—pass a law that imposes restrictions against other countries that we believe do not meet our air pollution control standards.

What happens if a country has standards that are tighter than ours? This has all kinds of possibilities.

First of all, this is a rather vague area. You cannot always tell whose standards are the tighter. Suppose somebody has a less tight standard that goes into effect earlier? That is, a tighter standard or a less stringent standard? It is clear that in many instances the Scandinavian countries have tighter air pollution control standards than we do on their books now. Are we going to say to the Scandinavian countries, it is all right, it is a free market now, it is a free playing field, if Scandinavian countries want to impose import restrictions on U.S. products, that is fine by them.

Mr. McCLURE. Mr. President, will the Senator yield for a question?

Mr. CHAFEE. I wonder if I might finish, then I will be glad to take any questions. I will not be long.

This has all kinds of possibilities. What if the Canadians were to unilaterally decide to impose import restrictions on United States potatoes from Idaho farms because those farmers use fertilizers that the Canadians have decided are harmful? That is an environmental matter. Clearly, fertilizers have to do with the environment.

If that amendment were adopted by the Canadians, they can say, "That is perfectly fair. Look; you adopted an amendment that says if we do not meet your air pollution control standards, you can restrict your importation of our electricity. So what is good for the goose is good for the gander, perfectly fair."

So, Mr. President, if an amendment violates GATT, it is against the Canadian Free-Trade Agreement, both very, very serious matters. I do not think we should slough off the Canadian Free-Trade Agreement. There is more trade between the United States and Canada than between any two nations in the world. People talk about our trade with Japan. That is dwarfed in size by our trade with Canada. So when we are talking about the Canadian Free-Trade Agreement, we are talking about a major factor in United States exports, probably the most important single agreement that we have in connection with our exports to a nation. Overall, of course, the undergirding law that deals with our trade relationships with the rest of the world is through GATT, which would be violated by this amendment.

Third, we get into a very broad trade issue of one nation, in this case the United States, unilaterally imposing restrictions against other countries based on pollution control standards.

Mr. President, I think this amendment could lead to all kinds of difficulties, and it is for those reasons that I oppose it.

Mr. President, at this time I ask unanimous consent to have printed in the RECORD a letter to me from the Canadian Ambassador dated today.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CANADIAN EMBASSY,
Washington, DC, April 2, 1990.

Hon. JOHN H. CHAFEE,
U.S. Senate, Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR CHAFEE: I understand that this afternoon Senator McClure intends to propose an amendment concerning the importation of Canadian electricity to the Clean Air bill currently under consideration by the Senate. This amendment would restrict exports of electricity from Canada to the United States unless the steam-fired power plants generating the electricity meet the same regulatory requirements as those set out in the proposed legislation now before the Senate.

Such an amendment is not required to protect either the American or Canadian environment. The current weighted average sulphur dioxide emission rate for western Canadian coal-fired power plants is approximately 0.96 lbs/MBTUs. The emission rate for new power plants in western Canada will be 0.6 lbs/MBTUs. These rates compare very favourably with comparable requirements in current, and the proposed, clean air legislation. This amendment also runs counter to the open-border objective of the Canada-United States Free Trade Agreement regarding trade in energy. It would also impose an unnecessary barrier to trade by distorting market-based competition in the supply and trade of electricity.

I hope that you will make every effort to prevent passage of the amendment.

Yours sincerely,

D.H. BURNEY,
Ambassador.

Mr. CHAFEE. Mr. President, the Ambassador, in his letter, first of all points out that it is not necessary, that the western plants of Canada are considerably below what we are emitting here, and concludes that this amendment runs counter to the open-border objective in the Canada-United States Free-Trade Agreement regarding trade in energy. That agreement specifically deals with energy, I might say. It would also impose an unnecessary barrier to trade by distorting market-based competition in the supply and trade of electricity.

Mr. CHAFEE. I would point out, Mr. President, that the distinguished junior Senator from Oregon [Mr. PACKWOOD] who is the senior Republican on the Finance Committee, is very much opposed on this amendment and would speak against it if he were here.

Mr. McCLURE. Will the Senator yield for a question?

Mr. CHAFEE. Yes.

Mr. President, how are we going to handle this time? Is it possible for his question to be on his time and my answer to be on my time?

The PRESIDING OFFICER. Senator MCCLURE certainly may be recognized in his own right.

Mr. McCLURE. Mr. President, then I will ask a rhetorical question—I will not ask you to answer it—on my own time.

Mr. President, the Senator from Rhode Island in opposition to the amendment makes some comment about Scandinavian countries having tighter controls than we have on air pollution. The question that I would ask is how much electricity do we propose to import from Scandinavian countries?

Certainly, the Senator makes a point that this is a violation of GATT. I would point out that we already have all kind of restrictions. Certainly, again, a rhetorical question which the Senator may answer on his own time if he wishes, do I understand the Senator is opposed to having pesticide regulations that deal with the importation of food and products from foreign countries? We have that in present law.

Is it suggested that the FDA cannot establish standards upon the production of medicines that are imported into this country from other countries? Certainly not. We have such restrictions at the present time.

Are there suggestions that we have no right to talk about the safety and purity of the food that is imported from other countries? I would hope not. As a matter of fact, we have such restrictions at the present time.

What I am suggesting is that GATT is not in question here. We have a right to protect the air in this country by saying if we are going to require the producers in this country to clean up the air emissions from their plant, we have a right to expect the Canadians to do the same. We are not going to set up a system in this country that says to our producers, sorry you

cannot do it but the fellows right across the line can do it. I do not think that is what we are trying to do here.

For those of our friends who are in the Northern United States, who are concerned about acid rain deposition throughout the Northern United States, they certainly cannot ignore the fact that pollution crosses the line from Canada into the United States. We have an interchange of air across the Northern United States. For us to say you cannot do it in this country but it is fine for them to do it across the line in Canada seems to be ludicrous.

With respect to the Canadian Free Trade Agreement, certainly there is a dispute resolution clause in that treaty. But without a policy on our side, there is no dispute to resolve. Unless we pass this bill we have no standing to say anything to them about the pollution from their electricity-producing plants in Canada.

I am trying to create a mechanism by which we can at least raise a question with them. And if, indeed, it goes through the dispute resolution process, then indeed this provision might be struck down. But you cannot even raise the question unless we have a provision in our statute or in our regulation.

I hope that, not only in a position of fairness for our own industries but in terms of the clarity of the air, the effectiveness of our policy, we do not just transfer the pollution to our country from Canada and say, what you do is fine to us, because certainly it is not. The whole thrust of this amendment is to say we want to clean up the air and we want to clean up the air as it is affected by generating facilities. We do not want the Canadians, just because we close them down here, to think there is an invitation to them to build on their side of the line and then transport their pollution back across the line to us.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields.

Mr. CHAFEE. Mr. President, I would point out, in connection with the Canadian Free-Trade Agreement, that you do not go to the dispute settlement mechanism by passing a law that says you cannot import electricity from Canada from any plants that do not meet the standards that we have. That is not the way you go to the disputes settlement. Regardless of what the disputes settlement comes up with, it is over and done with when we pass a law here. That is what this bill does.

Maybe the distinguished Senator who is proposing the amendment can show me the disputes settlements language in here.

Mr. McCLURE. Will the Senator yield on my time?

Mr. CHAFEE. Yes.

Mr. McCLURE. I will not take from your time.

Mr. CHAFEE. Fine.

Mr. McCLURE. Certainly the Senator understands that, under the U.S. Constitution, treaties are the supreme law of the land, and we cannot pass a law that is in contravention of the treaty provisions. That is precisely the way you set up a dispute to be settled.

If, as a matter of fact, this were judged to be a violation of the treaty, this provision would fall. I hope that that is not the result, but that is precisely the way you raise a question under that treaty.

Mr. CHAFEE. Mr. President, I would differ from the Senator's view. This is not precisely the way you raise something that goes to the disputes settlement mechanism.

Mr. McCLURE. Will the Senator yield?

Mr. CHAFEE. Could I finish, please?

Mr. McCLURE. Certainly.

Mr. CHAFEE. Under the disputes settlement mechanism all kinds of matters come in. They may come in connection with fish or potatoes or shoes or lumber. Any number of provisions. There is a dispute. "You Canadians, you are subsidizing our timber exports or you are subsidizing the financing of your fishing vessels and therefore the fish that you are sending into this country is coming at a lower price and thus violate the free trade agreement." And under that you go to the disputes settlement mechanism. You do not get to the disputes settlement mechanism by passing a law that says Canada should not be permitted to send any fish into this Nation that is caught in a vessel that is funded under interest free loans from the Canadian Government. That is not the way you proceed to the disputes settlement mechanism.

Mr. McCLURE. Mr. President, on my time, two comments. We are not talking about fish and we are not talking about lumber. We are talking about air pollution. That is what this bill is about. How do we clean up the air over the Eastern United States? Do you clean it up by allowing the Canadians to pollute? That, on its face, is silly.

Second, if the Senator from Rhode Island does not like raising the issue this way, can the Senator tell me how else it would be raised? Upon what grounds or what possible basis would we say to the Canadians, "Clean up your own plants?" That is what this says. It does not say we are going to export our electricity production business to Canada so they can pollute and send it back to this country.

We are trying to clean up the air. I thought that was what this whole bill was about. If the Senator from Rhode Island can tell me another way to raise this issue with them under the treaty or otherwise, I would invite that kind of a response.

Mr. CHAFEE. Mr. President, first of all, I point out to the Senator that the Canadian Free-Trade Agreement is not a treaty. It is not a treaty. It is an agreement. It just did not come to the Senate for approval. It went to both bodies. It was an agreement.

Second, if the Senator has a dispute with Canada over this, the method for this is to go through the disputes settlement process just as I outlined before. We object. We object. That is the way you get there.

Mr. McCLURE. We object to what?

Mr. CHAFEE. The Senator says we object to what. We object to this electricity coming in from a plant that does not meet our standards.

This is not the way to proceed. This is in direct violation of the Canadian Free-Trade Agreement.

Mr. McCLURE. Mr. President, again on my time. The Senator from Rhode Island's opposition fails on the face of it. Saying we object to what you are doing up in your country based upon nothing, that is like kissing your sister. That just simply cannot stand.

The PRESIDING OFFICER. Who yields time? If no one yields time, time will be subtracted equally from both sides.

Who yields time? The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I think we better review the bidding on how things get to the dispute settlement process. It is not remotely related to kissing one's sister.

If you have a dispute, a problem, you ask for the formation of a dispute settlement panel. That is the way it works.

The Senator says, how do you get there? Whoever wishes to complain—it could be the government of Idaho. It could be a plant in Idaho that sees their electricity is being undercut by Canadians who are selling at a lower rate. It could be those who find objection to the acid precipitation that is coming into their State. It could be my State. We are on the receiving end, we are downwind—the State of Rhode Island. It is perfectly possible for the State of Rhode Island to do so through either its Governor or through any elected official—through a request from the State legislature, however. There are all kinds of varied ways, some of which I have pointed out.

We do not have to have a law. I am rather astonished at the suggestion that we pass a law as though it is some kind of a Supreme Court. It is not for testing of a law that one goes before the dispute settlement panel. It is to resolve a dispute, not to interpret some law. If a group wishes to go there, go there; request the formation of a panel. But this particular act in

my judgment would override the agreement.

The agreement was something we passed. It was not a treaty, it was passed by both branches of the legislature and here follow on with something that is later and, I think the Senator would agree, thus takes precedence over the Canadian Free-Trade Agreement.

Mr. BENTSEN. Mr. President, the amendment offered by the Senator from Idaho would ban imports of electricity from any country or from any utility that has not adopted emission control laws equal to those being adopted by the Clean Act Act before the Senate today.

Basically, this amendment is aimed at Canada. Canada is the only country that exports electricity to the United States.

Just about 2½ years ago, the United States signed a free-trade agreement [FTA] with Canada. The FTA only took effect in January 1989, so our two countries have barely begun to realize its benefits. But the hope is that, by eliminating all barriers to trade, both countries will gain. Studies done before the FTA was implemented showed that FTA-related economic gains in annual U.S. welfare would range from $1 billion to $3.5 billion.

This amendment clearly violates the FTA. Chapter 9 of the FTA categorizes electricity as a good for the purposes of the FTA. The FTA specifically prohibits either country from restricting imports of energy from the other. If the Senate passes the amendment offered by the Senator from Idaho, it is legislating a violation of the FTA.

This amendment suggests that the United States should discriminate against imports from Canada based on the way those imports are made. I would ask the Senator from Idaho how he would react to a Canadian ban on United States products that are made in a way that does not comply with Canadian environmental standards. Canada has regularly complained about United States acid rain. Should Canada ban United States exports that contribute to this problem? Canada has more generous social welfare programs than ours. Should they be able to ban our exports because our employers pay less? I for one do not believe this is the course that we want the FTA to go.

If what the Senator from Idaho seeks is clean air for Canada as well as the United States, a more fruitful, avenue would be through consulation with Canada, our largest trading partner. The FTA provides us a better forum for those discussions.

Therefore, I urge my colleagues to defeat the amendment.

Mr. MITCHELL. Mr. President, the statement of the Senator will speak for itself. Senator BENTSEN opposes the amendment on many of the grounds previously stated by Senator CHAFEE, including the fact that it would violate the free-trade agreement between the United States and Canada.

I would like to address that subject myself, Mr. President, if I might, briefly.

Mr. President, I voted against the United States-Canada Free-Trade Agreement. There were very few Senators who did so. I was among the small minority and I opposed it for what I felt were good and sufficient reasons. But in its wisdom the Senate approved it. It is now in force and, therefore, those of us involved in United States-Canada matters must do our best to make it work.

This amendment appears to me inconsistent with the free-trade agreement. There is a full chapter in that agreement on energy. It establishes a process for considering export measures and regulatory and other measures. And I think all of us have an obligation to make that treaty work, even those of us who opposed the treaty as I did.

Mr. President, this amendment, while I think it is well intentioned in terms of clean air—which the Senator from Idaho has made clear is his intention—misses the mark in two respects. First off, unlike the United States, in which the principal source of sulfur dioxide emissions is from utilities, in Canada the principal source has been from smelters. So attempting to apply an American program to Canada is not the best way to accomplish the common objective because the source of the problem is different in its principal aspect there than it is here.

Second, Canada has an aggressive acid rain program but it is based on a different approach than ours. In the United States we, in this law and other pollution laws, base our regulatory requirements on emissions, that is on what can be emitted from a source of pollution. In Canada, they have a deposition standard, that is what can or cannot be placed upon the earth, or upon bodies of water. So they have a different source and a different remedy. I think, trying to take our mechanism and, in effect, impose it upon them, is the wrong approach. Just as it would be in reverse.

I must say there is a certain irony in this discussion because in 1980 the United States and Canada entered into a memorandum of understanding in which the two nations committed themselves to negotiate an agreement to reduce the emissions of those materials which cause acid rain. But, in 1981 the United States effectively withdrew from those negotiations.

For 10 years the Canadians have been pressing us to go forward on a program of reaching agreement for mutual reductions and the United States has been unwilling to participate in that. It was not, of course, until President Bush was elected and reversed the position of the previous administration in that regard that discussions have resumed between the United States and Canada. In the interim, Canada has set forth a much more ambitious and aggressive program to deal with pollution emissions than has the United States. As we all know the bill we are about to vote on tomorrow contains for the first time controls on the emissions of the precursors of acid rain. Meanwhile, the Canadians have been doing something about it.

So I think in fairness to our friends and neighbors across the border, they have been pressing for action while the United States has not. They have acted while the United States has not. And what we should be doing is concentrating on our own efforts so that we can match our own rhetoric and Canadian deeds rather than taking actions which violate the agreement with Canada and also, as my distinguished colleague from Rhode Island has pointed out, violate the General Agreement on Tariffs and Trade.

Finally, Mr. President, I would say that the principal source of emissions of sulfur dioxide in this continent is the United States. If we want to do something about the problem, we should concentrate on passing this bill. The most effective way to reduce acid rain in North America is to reduce the emissions in the United States which cause acid rain. It is true there are substantial emissions in Canada but they are far less than those in the United States. And so I think we are better off if we, in effect, clean up our own house and that is the most effective thing we can do to control acid rain, both in the United States and in Canada.

For all of these reasons, and acknowledging the ultimate objective of this amendment is to have clean air in North America, it is my suggestion that the amendment be defeated and that we proceed to pass the bill as the most effective thing we can do.

Mr. President, I wonder if I might ask my colleague from Idaho and the distinguished Republican manager whether or not we could discuss the timing of the vote on this tomorrow? It seems to me we want to provide the maximum convenience for our colleagues, give them the most notice. We all understood we were not going to have any votes today, and I would like to have an agreement.

Does the Senator from Idaho have another amendment that he intends to offer tomorrow or that he may offer tomorrow?

Mr. McCLURE. If the Senator would yield, yes, I do. I think I have reserved

time for that in the morning. On a different subject.

Mr. CHAFEE. If I might ask the majority leader a question, I wonder if we might, if we have it, for each side reserve 5 minutes for debate tomorrow? It will not delay things and at least will bring people up to date about what we are talking about.

Mr. MITCHELL. Does the Senator from Idaho object to that?

Mr. McCLURE. I have no objection to that. I support that request.

Mr. CHAFEE. He may have more time. The proponents may have more time. Probably all we have is 5 minutes.

The PRESIDING OFFICER. The Senator from Idaho has 15 minutes 30 seconds; the Senator from Rhode Island has 8 minutes 51 seconds.

Mr. MITCHELL. Might I inquire further, do I understand there will be another amendment offered and debated today that will require a vote tomorrow?

Mr. CHAFEE. That was the thought. The Senator from Alaska has one. The junior Senator from Alaska I believe is bringing one over to be debated. Yes; we see this one and one more on the horizon for tomorrow.

Mr. MITCHELL. Mr. President, might I then suggest to the distinguished Senator from Idaho and the Senator from Rhode Island, perhaps, what we can do is come in tomorrow and be on the bill at 10, take 15 minutes tomorrow, 7½ minutes to a side for wrapup arguments by the Senator from Idaho and the Senator from Rhode Island, have the vote at 10:15, and then repeat the process immediately thereafter with whatever additional amendments may be offered and then go to the amendment of the Senator from Idaho that may yet to be offered on another subject.

Mr. McCLURE. Mr. President, I ask unanimous consent this colloquy not be charged to either side on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCLURE. I thank the Chair.

I have no objection to that. I am informed we might want to check with our cloakroom before setting the exact time for the vote, but it sounds reasonable to me, and I hope upon the check we can agree to that.

In that connection, then, if we could at this time at least reserve 15 minutes for the time on the amendment, 7½ minutes on each side to be set by agreement at a later time.

Mr. MITCHELL. I believe that would mean all of the time left for the distinguished Senator from Rhode Island and a portion of the time for the Senator from Idaho, if that is agreeable.

Mr. President, as soon as I have the opportunity to discuss it further with the Republican leaders, following checking with the Republican Senators, I will have an announcement in that regard later, if that is agreeable to the Senator.

Mr. McCLURE. If the Senator will yield, that is certainly agreeable with the Senator. I wonder, Because my understanding was that it was contemplated the other amendment which I will offer tomorrow was to be offered first thing tomorrow morning, if indeed we do finish this debate and vote on this amendment, that I be recognized upon the disposition of this amendment to offer another amendment.

Mr. MITCHELL. Mr. President, I will be pleased to organize it tomorrow in whatever way is most convenient to the Senator from Idaho.

Mr. McCLURE. I thank the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I will take a moment to respond. I do not mean to prolong the debate. Obviously, not everybody is hanging on the debate this afternoon. I hope more people are monitoring floor activity than those present in the Chamber and those not doing either may have the opportunity to review the RECORD.

I am very mindful of the fact that, indeed, we have a free-trade agreement with Canada and that we wish to make that free-trade agreement work. I ultimately voted for that agreement simply upon the basis that you cannot make it work with our neighbors to the north in Canada, we cannot make free trade work anywhere if we are not willing to undertake risk and problems in that regard. I detailed in my statement some of the arguments about why the free-trade agreement should not be a bar to this amendment.

Mr. President, I am not trying to raise the broader issue of competitiveness. I think we, by actions on this floor, have already decided that issue. We are going to clean up the atmosphere of this country regardless of what it does to competitiveness. That is how I read the debate at this time.

While we may give lipservice to the question of competitiveness, our focus at this moment on this legislation is environmental air control rather than competitiveness or jobs.

So I am not trying to raise that issue in the broad sense again. I am trying to look at this issue with the aspects of competitiveness, certainly in the background. But the primary reason I do it is to avoid the inevitable consequences of exporting our electricity capability to our neighbor who will be permitted, under their law, to cause greater pollution than they would if it was done in this country. Where is the sense in that? Where is the sense in trade policy? Where is the sense in competitiveness? But above all, in this bill, where is the sense environmentally in saying we will not let ours but we will let yours? We are going to say, build your plants, build them dirty, export your pollution to us, that is all right; we are making great strides here, we say, with respect to the environmental pollution in our own country but, we are saying, Canada, you are different, go ahead and make it dirty; it is all right with us; go ahead and make it dirty. What kind of environmental policy is that? It just does not make any sense to me.

For those who look at today's market for electricity, look at the figures we placed in the RECORD as to how much they are going to do and they are already planning to do. The utilities in New Brunswick and Nova Scotia are planning the construction of 2,000 megawatts of coal-fired plants in the next 10 years.

New England electricity imports from Canada are expected to increase 73 percent, even before we pass this bill—73 percent under current laws, regulations, and expectations. During the same period, New York and New Jersey electricity imports from Canada are expected to increase 72 percent over the same period of time, and we are saying that does not matter? Increase that percentage of importation into this country and do it with dirty plants; it is OK with us. I had expected different actions from the Environment and Public Works Committee and the managers of the bill when their concern about the environment changed to concern about being nice to Canadians. I want to be nice to Canadians, too, but I want them to act responsibly.

Mr. President, it is not responsible for either them or us to say go ahead and build all the coal-fired plants you want to and make them as dirty as you want to and we will buy your electricity. That, to me, is foolish policy. I hope the position of the managers of the bill, which has been so consistently in favor of cleaning up the environment, should not now be permitted to say go ahead and make it dirty; it is irrelevant to us.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Idaho has 11 minutes 4 seconds remaining. The second Senator from Rhode Island has 8 minutes remaining.

Mr. CHAFEE. I am taking 30 seconds, if I might.

I am curious, has the Senator directed his comments toward Mexico in here? Is he equally discriminatory? Could he just briefly answer that question? He mentions Canada. Has he mentioned Mexico? I do not find it.

Mr. McCLURE. Mr. President, the amendment refers to the imports regardless of where they come from.

The current problem, however, is with respect to Canadian generating plants.

Mr. CHAFEE. I see Canada mentioned in here regarding the report

Mr. President, I reserve the remainder of my 7½ minutes for tomorrow.

Mr. McCLURE. Has the time of the Senator from Rhode Island expired?

The PRESIDING OFFICER. It has.

Mr. McCLURE. How much time does the Senator from Idaho have?

The PRESIDING OFFICER. 11 minutes 4 seconds.

Mr. McCLURE. Of which 7½ minutes will be reserved for tomorrow.

The PRESIDING OFFICER. Assuming there is a unanimous-consent agreement.

Mr. McCLURE. Mr. President, I ask unanimous consent that Senator CONRAD be added as original cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. To further answer the Senator from Rhode Island, the amendment deals only with imports of electricity. It does not deal specifically or solely with Canada. As I said a moment ago, we are not importing any electricity from the Scandinavian countries, to the best of my knowledge, nor does anyone propose we should. I think the primary problem that I did address, as I did in my remarks, is the imports from Canada and the great increase we foresee from that source.

We have had some experience with our friends to the south in Mexico with respect to other air pollution which was exported along with the jobs and came back to our country as the jobs did not. But that is not currently the major problem. As acid deposition is in the main a problem with respect to the northeastern United States, it seems appropriate that most of our concerns should be focused upon that region and the sources of pollution that are deposited in that region.

Mr. McCLURE. Mr. President, I am prepared to yield back the remainder of my time save the 7½ minutes, and I do so.

The PRESIDING OFFICER. Who seeks recognition?

Who yields time?

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. McCLURE. Mr. President, will the Senator reserve that for a moment.

The PRESIDING OFFICER. Does the Senator withhold?

Mr. CHAFEE. Yes.

The PRESIDING OFFICER. The Senator from Rhode Island does withhold.

Mr. McCLURE. I wonder if we might ask if the time in the quorum not be charged against the 7½ minutes remaining on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent that regardless of what time this McClure amendment comes up tomorrow, there be 15 minutes equally divided for debate prior to the vote.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CHAFEE. Mr. President, parliamentary inquiry. Does that take care of any concerns about time running on this McClure amendment in the future?

The PRESIDING OFFICER. There is still 15 minutes remaining, 7½ minutes on each side, and pending any further action by the body, that would be the situation when we return to this matter tomorrow.

Mr. CHAFEE. Mr. President, regardless of what happens today, are we going to have 15 minutes equally divided tomorrow morning prior to the vote on the McClure amendment?

The PRESIDING OFFICER. The Senator is correct. There will be 15 minutes.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may yield 5 minutes or whatever time is necessary to the Senator from Alabama, and that the time not be charged against my amendment. I am doing this in order to accommodate my colleague's schedule.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. HEFLIN. Mr. President, I thank the distinguished Senator from Alaska for allowing me a few minutes to make a speech on the passage of the overall bill. I realize that he was just beginning on an amendment which I understand will be debated at length. So I do appreciate this. This does accommodate my schedule and I deeply appreciate it.

Mr. President, I rise today in anticipation of the Senate passing the Clean Air Act Amendments of 1989 tomorrow evening. I hope and predict that this bill will pass at that time by an overwhelming majority.

As all of the Members know, we did not arrive at this point in the clean air debates easily. Many members of the Environment and Public Works Committee have labored over a reauthorization of the Clean Air Act for the past decade. And this year in addition to the lengthy floor consideration of this bill—which probably is a record in regards to the lengthy floor consideration of any bill that has been before the Senate, at least during my service, and perhaps maybe even during the entire history of the Senate—the majority leader spent a great deal of time working with various Members and administration officials in order to construct a compromsie which would be filibuster-proof and veto-proof.

I want to congratulate my friend the majority leader, the Senator from Maine, for his leadership with regard to the negotiation of that compromise, and commend both the majority leader and the minority leader for their preservation of that compromise despite tremendous pressures from all sides to change the agreement.

In my opinion, as in theirs, we would not have been able to survive the many obstacles to a bill's passage such as filibusters, an excessive number of amendments, or veto threats had there not been a firm agreement between the Senate leaders and the White House on this legislation, and, I might say also, an agreement with a great number of the environmental Senators.

With respect to the substance of this agreement, I would like to mention five of the provisions in the bill which will, I believe, result in real air quality benefits for all Americans.

No. 1, this bill requires permanent, substantial reductions in emissions believed to cause acid rain, ultimately reducing sulfur dioxide [SO_2] emissions by 10 million tons per year below 1980 levels.

No. 2, this bill requires substantial reductions in tailpipe emissions for cars and light trucks beginning with model year 1994, with an even more stringent round of tailpipe controls mandated if air quality goals are not met in a sufficient number of cities.

No. 3, for the first time, this bill adopts a broad program to require the use of cleaner fuels in America's most polluted cities and in federally owned and centrally fueled fleets.

No. 4, the bill requires the use of Maximum Achievable Control Technology [MACT] to reduce 75 to 90 percent of air toxics emissions in the next 10 years and to limit any remaining risk after the application of this technology.

No. 5, the bill establishes ambitious annual ozone reduction requirements

to guarantee, for the first time, measurable progress toward meeting the ozone standards, bringing the majority of American cities into attainment with ozone standards by the end of the century.

Mr. President, as even these five points illustrate, this bill is a dramatic strengthening of current law. It is not a perfect bill by anyone's estimation. But I believe it is a bill which will pass the Senate, a bill which can hold up in conference with the House, a bill which will be signed by the President and a bill which will ultimately become the law of the land.

It is a bill which will go a long ways toward having cleaner air in America. It will go a long ways towards bringing about better health for all Americans.

I commend all of my colleagues on the Environment and Public Works Committee—Senators BURDICK, CHAFEE, MOYNIHAN, SIMPSON, MITCHELL, DURENBERGER, LAUTENBERG, BREAUX, WARNER, BAUCUS, SYMMS, REID, JEFFORDS, GRAHAM, LIEBERMAN, and HUMPHREY—for their untiring efforts with respect to this bill, and for the fine work of their staffs on this bill.

I would like, again, to commend the majority and the minority leaders, as well as the floor managers, particularly Senators BAUCUS and CHAFEE, for their skill in guiding this bill through the legislative process on the Senate floor.

I would like to again thank all of the staff members who worked so hard on this bill, and particularly Elizabeth Gardner, of my staff, whose intelligence, hard work, and vision has been superb in this endeavor.

I look forward to the opportunity to vote in favor of this landmark piece of legislation tomorrow evening.

Mr. MURKOWSKI. I thank my friend, the Senator from Alabama.

AMENDMENT NO. 1432 TO AMENDMENT NO. 1293

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is temporarily laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1432 to amendment No. 1293.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 390, line 7, after "boiler" insert "or feedstock".

On page 390, line 12, after "other" insert "combustion, precombustion, or post combustion".

On page 391, line 25, strike "of" and insert in lieu thereof "providing".

On page 392, lines 2 and 3, strike "use of fuels" and insert in lieu thereof "fuels used at the time of submission of a proposal pursuant to section 404(d)(2)".

Mr. MURKOWSKI. Mr. President, we have before us a very significant piece of legislation, the clean air bill. But there are certain aspects of it that I think I need to share with my colleagues.

Mr. President, I would add the cosponsorship of Senator CONRAD and Senator WALLOP to the amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, the purpose of this legislation should be to achieve the lowest possible emission levels and not specifically the amount of reduction. The problem we have here is in the clean coal portion. We have picked out certain technologies and left out others. This amendment provides utilities with the maximum degree of flexibility to achieve clean air standards. This bill promotes the use of clean coal technology with incentives, but it unnecessarily restricts the technologies that qualify.

Those technologies, Mr. President, primarily, are scrubbers. My amendment removes those unnecessary restrictions but it does not reduce or change the strict emission reduction requirements that a technology must achieve to qualify. It does not favor one technology over another. It does not favor one type of coal over another. My amendment simply gives all clean coal technologies an equal opportunity to compete in the marketplace. The results of this competition will be cleaner air at a lower cost.

That sounds, perhaps, like a panacea, but let me explain how the amendment works in phase I. The phase I part of my amendment makes two changes to the definition of qualifying phase I technology.

First, it broadens the scope of technologies that will qualify for incentives. This would allow utilities to use clean coal technologies in conjunction with another clean coal technology, or in conjunction with the new feedstock coal to meet the so-called 90-percent test.

Second, it sets a fixed baseline from which the 90-percent reduction is to be measured. That baseline is the emission level produced by the coal which the utility is burning at the time it submits its application for its qualifying phase I technology.

The effect of my amendment is to establish a definite process, a process that everybody can understand, for deciding whether a particular clean coal technology will qualify for the phase I incentive. The utility would apply the 90-percent test to the fixed baseline level to establish the target emissions level it must meet in order to pass the 90-percent test.

It would then, Mr. President, have the flexibility to select a single clean coal technology or a combination of technologies or a combination of clean coal technologies and a different feedstock coal to reach the target level.

One might ask why is this amendment needed? Why, in phase I, should we have this change? Well, section 402 says, "A qualifying phase I technology" must be a "technological system of continuous emission reduction" which achieves a 90-percent reduction in emissions.

The technological systems of continuous emission reduction is a term of art from the 1977 Clean Air Act. I understand it to mean a single technology, not a combination of technologies or a combination of technology and feedstock.

As such, a qualifying phase I technology is a single technology which, standing alone, can achieve the 90-percent reduction test. I believe this clearly limits the type of clean coal technologies that are capable of providing substantial emission reduction. My amendment would simply expand the definition to include clean coal technologies used in conjunction with a different feedstock coal.

Mr. President, it is also unclear what fuel is to serve as the baseline fuel from which the 90-percent reduction is measured. Section 402(r) simply requires a 90-percent reduction in emissions from the emissions that would have resulted from the use of fuels which were not subject to treatment prior to combustion. Theoretically, this could be any fuel selected by the utility.

My amendment would specify that the emissions level from the fuel being used by the utility at the time it submits its "eligible units" proposal would be the baseline emissions level from which the 90-percent reduction is measured.

How does it work? Let me give an example. Let us assume a utility unit is emitting, say 20,000 tons of sulfur dioxide at the time it submits its proposal for a qualifying phase I technology. The amendment would establish that 20,000 tons of emissions as the baseline—because we have an application of how to establish the baseline up until now—from which the 90-percent reduction is measured. The 90-percent reduction, from that baseline, would be 18,000 tons resulting in a 2,000-ton target. The unit would then have the flexibility to select any technology or combination of technologies and new feedstock coals to meet that target of 2,000 tons emissions.

How does the amendment work in phase II? Well, my amendment in phase II would modify the definition of "repowering," to ensure that precombustion technologies can qualify for the phase II incentives. These

technologies would still have to meet the criteria contained in the definition of "repowering" to qualify. They would have to: First, be capable of controlling multiple combustion emissions; second, provide improved boiler generation efficiencies; and third, achieve significantly greater solid waste reduction.

The purposes of the phase II incentive is to encourage the development of clean coal technologies. There are numerous promising precombustion precoal technologies that can meet the above criteria. It makes no sense to prevent these technologies from being eligible for the incentives in this legislation.

Why is a phase II amendment needed?

First, it may be that the precombustion clean coal technologies which treat a feedstock are covered by the definition of repowering in section 402(L). If they are not covered, they certainly should be. There is no reason to exclude them.

My amendment would modify the definition to make clear that such technologies are covered.

Last, Mr. President, the point I want to make is, this amendment promotes competition. Unlike other amendments we have debated over the last several weeks, there is absolutely no downside to this amendment. Some of those amendments have sought to relax environmental standards and thereby make it more difficult to achieve clean air. I would anticipate that the environmental community would support this amendment, Mr. President.

Others have sought to impose stricter environmental standards and, thereby, substantially increase the cost of this legislation. There have also been amendments which would have changed the programs and the process for achieving clean air standards. My amendment does none of this, Mr. President. It does not increase the cost of the legislation. It does not relax environmental standards. It does not change the manner in which the bill attempts to achieve clean air. My amendment simply promotes competition with a goal of achieving cleaner air at a lower cost for the American consumer.

A basic premise of this legislation is to allow the marketplace to determine how we will meet the clean air standards. This amendment is consistent with that premise because it allows a broad range of clean coal technology to compete. Basically, what we want is to achieve clean air. I suggest this is the best method to do it.

Mr. President, I ask unanimous consent to add Senator NICKLES as a cosponsor to the amendment. I add also, for the benefit of my colleagues, the amendment is supported by the National Coal Association and the Electric Power Research Institute.

I believe my colleague, Senator SIMPSON, is on his way to speak on the amendment as well.

Mr. President, how much time do I have remaining on the amendment?

The PRESIDING OFFICER. The Senator has 20 minutes remaining.

Mr. MURKOWSKI. I thank the Chair. Mr. President, I reserve my remaining time until we have had a determination of the parliamentary procedure in which we are going to stack these votes. So I reserve the remainder of my time.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. Senator JEFFORDS.

Mr. JEFFORDS. Mr. President, I rise in opposition to the amendment. I would like to know what the remainder of time is for the Senator from Alaska.

The PRESIDING OFFICER. Twenty-nine minutes fifty seconds.

Mr. JEFFORDS. Remaining?

The PRESIDING OFFICER. The Senator from Vermont has 29 minutes 50 seconds remaining. The Senator from Alaska has 19 minutes 50 seconds remaining.

Mr. JEFFORDS. It is my intention, Mr. President, to reserve 15 minutes of my time to be divided equally tomorrow before the vote. I ask unanimous consent to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I do not intend to try and debate the technical parts of this amendment. I have been involved in the negotiations on the clean air bill throughout the whole time it has been going on, including the period of time we spent with the administration. I do know that people who are interested especially in the high-sulfur coal area ought to pay very close attention to what this amendment does.

First of all, the provisions we are talking about have a couple of things which are really an attempt to ensure the soft coal industry that they will be able to have an opportunity hopefully to continue to mine soft coal of high-sulfur content and that over a course of time, we will not displace all of the workers we talked about this past week.

So those who do have an interest in high-sulfur coal areas ought to be very careful and examine this amendment closely.

There are two provisions which are involved here with respect to a "bennie," so to speak, for those who are trying to find better technology in order to utilize the high-sulfur coal. One of those is in the repowering section which says that if the new technology which you are going to use involves the need and necessity for a new boiler, that the period of time which you will have in order to be able to find out whether this technology works and to be able to take advantage of the other provisions, which I will mention in a minute, is extended by 4 years.

People who are concerned about delays obviously should be concerned about anything in an amendment which extends or allows this delay of 4 years to be available for other than the building of a new boiler.

So by adding to that provision feed stocks, it is clear that the intention of the amendment is to say that if you have some sort of technology which uses low-sulfur coal, that if the combination of those meet this provision, then you also would be entitled or could be entitled to a 4-year delay.

The second benefit, which was highly negotiated and highly sought after by those trying to find some way to continue to utilize high-sulfur coal was the provision which gives you a 2-for-1 trade on allowances. That should raise a red flag for those who are interested in allowance distribution, for any time you open the ability to receive the 2-for-1 allowance, those allowances are not infinite; they are well defined and the numbers are absolute. So if you are going to start doling out more 2-for-1 allowances, somebody is going to lose.

I come from a State which has no SO_2 emissions which are of any interest to this program and we, therefore, have no allowances and seek no allowances. So I am trying to be as evenhanded as I can be in trying to raise the issues and not necessarily argue the merits of them.

In summary, I point out of that this is and could be an extremely controversial amendment and one which those who are interested in high-sulfur coal ought to study extensively to see what it will do to the intentions of this bill and to the benefits that were given to that industry in hopes of being able to allow them to continue to be able to participate and furnish the coal from their mines.

Second, it should be of great interest to those, and there are many, who are concerned about the number of allowances that are available and to see where they are going to be distributed. They should also take care in examining this amendment to see how it affects their interests.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I will yield to my colleague from Wyoming who is going to make some remarks in support of the amendment. Before it do, I point out to my colleague, the floor manager, and the staff that this amendment does not

promote or favor one type of coal over another. It simply gives utilities the flexibility to use the best technologies available to meet the emissions standards.

Furthermore, the amendment does not affect allowances in any manner. It gives the utilities who would otherwise seek 2-for-1 allowances simply a greater flexibility.

I thank the Chair, and I yield to my colleague from Wyoming.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

Mr. MURKOWSKI. I believe the Senator needs about 4 to 5 minutes.

Mr. SIMPSON. Four minutes will be all I need, Mr. President. I thank my friend from Alaska.

Mr. President, I want to address this amendment and speak in favor of it. I represent the largest coal-producing State in the United States: Wyoming. We have a lot of technologies there that are new and exciting, many of them clean coal technologies, if you will, the precombustion cycle facilities, and I think no one should believe that this amendment is going to affect the allowance distribution one way or the other. The amendment should not affect that in any way. You receive allowances if you use technology in phase I. It does not matter if it is pre or post combustion.

So I think the argument about allowance just simply is not appropriate here. I will be glad to get into a debate on that in the future. But that is just not so.

This amendment would make it clear that precombustion technologies will be acceptable technologies under the clean coal provisions of the bill. I think it is so important we have a variety of technologies available to reduce SO_2 emissions and to ensure that all types of coal will be used in the future. The clean coal program seems to be viewed by so many as the high-sulfur coal program. That is not the case. It is important for both Eastern and Western low-sulfur coal as well.

I think we have to continue to develop an entire menu of technologies which will be available to utilities as they begin to grapple with the tough and complex SO_2 reduction requirements that will be in force after date of enactment of the bill which is before us. That is the critical thing, for this acid rain portion of the clean bill is a continuing headache for us.

Finally, I think it important utilities choosing the repowering option be able to select from more than just a narrow class of technology.

This amendment will broaden the list of available technologies without favoring one technology over another. We have in the course of the debate been giving a great deal of comment and some lip service to the notion of maximum flexibility. We talk about that a great deal.

This amendment will, indeed, provide just that, flexibility, maximum flexibility. I think it is very important, and I urge adoption of the amendment.

Mr. MURKOWSKI. I thank my colleague for supporting the amendment. I would ask if his interest in cosponsoring the amendment continues.

Mr. SIMPSON. I would, Mr. President, seek that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I appreciate that. Might I ask the Chair how much time is remaining on this side?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. MURKOWSKI. I reserve the remainder of my time.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I will comment briefly. The Senator from Wyoming did make a remark on which I should comment.

That is that there is a specific number of allowances that are set aside for utilization in developing clean coal technology.

My point was that the more that are available to be able to participate and to be able to qualify for these allowances means the fewer allowances there will be for the ones who originally were entitled to the allowances under this amendment. Therefore, there is going to be more competition for the same amount of allowances.

So thus by allowing technologies other than those intended in the agreement to be available for the high-sulfur coal areas and to broaden it by including feed stocks and other aspects of this amendment to allow low-sulfur coal people to be able to come in and take advantage of the 2-for-1 allowances is going to mean that many fewer that were agreed to to help out the high-sulfur coal industry.

Again, I do not take any particular issue on this because my State has no interest at all. But I do have a great interest in the agreement we made, and the one that was so difficult for the people who were negotiating to reach to assist in a reasonable way those who deal in the high-sulfur coal. To see this amendment go forward would raise very much the specter that this, in a sense, is a deal breaker, and I am certain it will be felt that way by those who are in the high-sulfur coal areas.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. Mr. President, if I might make a point. I would like to point out to the floor manager that it is not the number of utilities that can qualify. That number does not change. It just gives them the option of using alternative types of technology to achieve it.

So I would like the record to reflect that difference because I think it is significant and it might be misleading to my colleagues who suggest otherwise; that indeed we are not changing the number of utilities that can qualify for the 2 for 1. It gives those utilities a larger number of technologies from which to choose.

My question is, what is wrong with that? That encourages development of technology which reduces the emissions and provides cleaner air for all of us.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. Mr. President, I will ask if the Senator from Alaska will yield 2 minutes so I might respond to my friend from Vermont.

Mr. MURKOWSKI. I will yield 2 minutes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I have watched the work of the Senator from Vermont, extraordinary, during the Clean Air Act, air toxics, all phases—he has done a magnificent job—mobile sources, the whole thing, a real contributor.

I do not want to mislead. I think it is very important to note that there is not some great trick afoot, and when you represent a low-sulfur coal State, they think that that is what is up. That is not the case.

We all know you get allowances for the use of technologies. In other words, a utility gets those if they choose a scrubber or clean coal technology, and this amendment should not affect the number of allowances applied for in any way, as I see it.

I hope we would engage in that debate, because that is a distortion. No one is talking about that. There is a cap. No one is going to exceed the national cap. That is important. We all hung tough for that.

But this is just another form. It does not matter. You get the allowances for choosing these particular things. How precombustion or postcombustion or anything of that nature would enter into the basic issue of what we did agree to, I cannot even discern what that might be.

Mr. MURKOWSKI. I thank my friend from Wyoming for those remarks.

I ask, how much time is remaining on this side?

The PRESIDING OFFICER. Eleven minutes, thirty-seven seconds.

Mr. MURKOWSKI. The Senator from Alaska reserves the remainder of his time.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, how much time do I have?

The PRESIDING OFFICER. Twenty-three minutes, nine seconds, of which 15 has been reserved for tomorrow.

Mr. JEFFORDS. Fifteen has been reserved?

The PRESIDING OFFICER. Yes. That leaves 8 minutes remaining for today.

Mr. JEFFORDS. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? If no one yields time, the time will be equally divided. The time is being charged against both sides.

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent at this time that my remaining time, which I think is about 11 minutes, be carried over until tomorrow.

Several of my colleagues have indicated an interest in speaking on behalf of the amendment. There is so little time remaining, I think it bears that request.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Mr. President, reserving the right to object, let me get a better feel on the time remaining. The leader is on his way over, and I want to make sure I do not preclude his opportunity from speaking before we close up.

The PRESIDING OFFICER. The opponents have 8 minutes remaining in today's debate, with 15 minutes having been reserved for tomorrow. That 15 minutes is to be equally divided, proponents-opponents.

Mr. JEFFORDS. I ask unanimous consent that we be allowed to perhaps proceed, but with the understanding that 5 minutes be allowed, of the time remaining, to be given to the majority leader, if he so desires, before the time expires.

The PRESIDING OFFICER. There is a unanimous-consent request currently pending.

Mr. JEFFORDS. I am sorry.

The PRESIDING OFFICER. The unanimous-consent request of the Senator from Alaska, which is to allow the 11 minutes, 37 seconds which he currently controls to be deferred until tomorrow.

Is there objection to that unanimous-consent request?

Mr. JEFFORDS. Reserving the right to object, I think the Senator from Alaska understands my predicament, and if he desires to amend that, or else I will object and pursue——

Mr. MURKOWSKI. If I may defer to my colleague, to the floor manager, I understand his concern is the leader is about to come to the floor and may be wishing to discuss the pending amendment.

Mr. JEFFORDS. That is correct.

Mr. MURKOWSKI. I would have no objection to—Mr. President, I ask the Senator from Vermont. Is he suggesting that the majority leader have 5 minutes? I would be willing to divide that equally if that is permissible.

Mr. JEFFORDS. Let me ask if we can amend it this way: that is, we reserve the time, ask unanimous consent that, since I do not know of any other amendments that are coming at this particular moment, we go into a quorum call and that the time not be counted against this amendment until such time as the leader arrives or until such time as waiting for him is waived.

Mr. MURKOWSKI. I think that is agreeable to the Senator from Alaska. I assume the leader would not talk and have the conversation be charged against the time remaining to the Senator from Alaska. Is that correct?

Mr. JEFFORDS. It would be charged against our time.

Mr. MURKOWSKI. So I gather that the Chair will rule that the time remaining will not be charged to either side, with the exception of the leader's time, which will be charged to their side.

The PRESIDING OFFICER. The pending business before the Senate is the unanimous-consent request stated by the Senator from Alaska. If there is to be a different unanimous-consent request prior to disposing of the Senator from Alaska——

Mr. JEFFORDS. Let me object.

The PRESIDING OFFICER. There has been an objection.

Mr. MURKOWSKI. I withdraw the pending request.

The PRESIDING OFFICER. Prior to the objection, the Senator from Alaska has withdrawn his unanimous-consent request.

The Senator from Vermont.

Mr. JEFFORDS. I ask unanimous consent that we be allowed to proceed in a quorum call until such time as the majority leader arrives here for a period not to exceed 30 minutes, and that at the time the majority leader arrives here, the period of time of 10 minutes, divided evenly, be allowed for the majority leader, and the proponent of the amendment to speak, and that the remainder of the time be reserved until tomorrow.

The PRESIDING OFFICER. I advise the Senator from Vermont that, if the Senator from Vermont wishes to hold 15 minutes for debate tomorrow, he does not have a sufficient amount of time to allocate 10 minutes for debate today since his time available is 20 minutes, 9 seconds.

Mr. JEFFORDS. I withdraw that request, ask that we go into a quorum call, and that the time not be charged against the parties at this particular time.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. I ask the Chair to restate the pending——

The PRESIDING OFFICER. The unanimous-consent request is the suggestion of an absence of a quorum, and at the termination of the quorum no time be charged against either the proponents or opponents. Is there objection?

Mr. MURKOWSKI. I would agree to that.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I yield 5 minutes to myself.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I oppose the amendment of the distinguished Senator from Alaska for several reasons: First and foremost because it directly violates the agreement negotiated with the administration on this bill.

As one who participated in the negotiations leading to the agreement, I can say to my colleagues that we explicitly and painstakingly negotiated the subjects which this amendment now seeks to change. The definition of qualifying phase I technology and the definition of repowering all were part of a lengthy discussion that dealt with these subjects during the course of negotiations.

The 2-for-1 credits that are the subject matter of this amendment were the subject of very lengthy discussions with competing points of view expressed—not just two competing points of view, several competing points of view expressed—and resolved in the negotiated agreement.

So the first point I want to make is that this amendment specifically and clearly violates the agreement that was reached with the administration with respect to this bill. And just as I have encouraged Senators to oppose other amendments which had that effect, so I urge Senators to oppose this amendment on the same grounds.

Mr. President, further, the phase I technology definition was narrowly drawn to reward the use of technology

in phase I, thus reducing the adverse economic effects in high-sulfur coal mining areas. The repowering definition first proposed by the President and adopted by the Senate Committee on the Environment and Public Works was likewise narrowly drawn to take into consideration the extra time needed when a boiler is to be refurbished. Precombustion clean coal technologies can make no similar claim and, thus, were not provided with the additional 4-year extension.

So both with respect to the subject matter of the agreement and with respect to the substance of this amendment, I believe the amendment should be defeated. And so that we can proceed to adopt this legislation, in a form that is as close to the original agreement negotiated as is possible, I urge my colleagues to join me in opposing the amendment of the Senator from Alaska.

Mr. President, I reserve the remainder of the time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. Mr. President, I thank the chair. I thank my colleague, the majority leader. I ask that perhaps the staff go back and review what agreements were made, because it is my understanding that precombustion technology never came up in the negotiations.

I see that the majority leader is interrupted currently, and I want to take this opportunity to ask, specifically, if he recalls whether the precombustion issue ever came up in the actual agreement. The suggestion has been made by the distinguished majority leader that this violates the agreement, and it is my understanding—although I was not a party to the agreement—that clearly that portion was not part of the agreement. If the staff could provide come clarification on that, it would be beneficial to the Senator from Alaska, because certainly it is not the intention of the Senator from Alaska to delay this legislation in any way. We all want this bill to pass. But to suggest that we are violating an agreement here, when factually I think one would find, in examining the discussions in the record, that precombustion was never a part of the agreement.

The suggestion here is that the only thing we can utilize is scrubbers. The suggestion here is that you cannot use a combination of technology and clean coal. This is a suggestion that we step back 20 years in technology. What we are concerned with is emissions here, and to suggest that we cannot use clean coal technology and clean coal in a combination of technologies, I do not think in the spirit of the legislation before us that this is the intention by any means. I ask the distinguished majority leader for his recollection and that of the professional staff to address the issue of precombustion.

Mr. MITCHELL addressed the Chair.

Mr. MURKOWSKI. Does the leader care to speak, and I wonder if the time could not be charged to my time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, how much time do I have in the 5 minutes that I was previously allotted.

The PRESIDING OFFICER. The opponents have 17 minutes 4 seconds, of which 15 minutes have been reserved by unanimous consent for tomorrow. The proponents have 8 minutes 49 seconds.

Mr. MITCHELL. Mr. President, parliamentary inquiry. I understood that the 15 minutes reserved for tomorrow was equally divided, and 7½ minutes was to come off the opponents' time.

The PRESIDING OFFICER. The unanimous consent, as propounded by the Senator from Vermont, was that the 15 minutes would all come from the time of the opponents, but would be equally divided.

Mr. MITCHELL. Mr. President, I was not aware of that.

Mr. MURKOWSKI. I yield.

Mr. MITCHELL. I will speak briefly then and say——

The PRESIDING OFFICER. I understood that the unanimous-consent request of the Senator from Alaska was to allow the majority leader to respond to his question, charging the time of that response to the time of the Senator from Alaska; is that correct?

Mr. MURKOWSKI. The Senator withdraws that in favor of the unanimous-consent proposal of the Senator from Vermont. But I certainly feel that the distinguished majority leader should proceed.

Mr. MITCHELL. I do not wish to take much time, Mr. President. I have said all, really, that I have to say. I have checked with staff and have been advised that the subject was discussed at great length among the staff, and that the precise provision to be amended, which is subsection (r) appearing at the bottom of page 391 of the bill, this defines the term "qualifying phase I technology" as, in a manner to limit it to the use of scrubbers, and that the Senator from Alaska now seeks to define it in a way that would permit it to include other technologies. And that was, I am advised by staff, discussed in great detail at the staff level, and this was the understanding and the agreement reached.

So that based upon that information, I repeat my assertion, that this would directly and specifically violate the agreement.

I apologize to the Chair and to the Senator from Alaska. I was unaware that the unanimous-consent request had contemplated taking all of the time from the opponents and dividing it tomorrow. That being the case, I assume our time is up, and we will reserve the remainder of our time until tomorrow.

The PRESIDING OFFICER. The opponents currently control 15 minutes, 52 seconds, of which 15 minutes has, by unanimous consent been reserved for tomorrow.

Mr. MURKOWSKI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Eight minutes, forty-nine seconds.

Mr. MURKOWSKI. And then tomorrow we split the remaining time evenly.

Let me take a few more moments of my 8 minutes and remind the majority leader that I do appreciate his clarification. His clarification was that the staff discussed this issue at some length, but I question whether the Members got into the actual discussion of this being a deal-breaker.

I hate to press the point, but the Senator from Alaska does not wish to suggest by any means that this is a breaker amendment; that while precombustion logically was a matter of concern among the staff, it is the intention of the Senator from Alaska that it was never agreed upon Member-to-Member that this would be a breaker as an amendment. That is what the Senator from Alaska is referring to and would hope that that is still the position of the majority leader, as it was at the staff level. Does the majority leader care to comment?

Mr. MITCHELL. Mr. President, if I may respond in the brief time I have. I was not present during all of the negotiations. I doubt any one person was, since they stretched over hundreds of hours over 3 weeks. I can only rely upon what staff says, and it is that the 90-percent reduction was discussed among the Members, and that the whole purpose of this was to protect the high-sulfur coal producing areas. That was the whole purpose of this section, which was placed in as a result of those negotiations. And, of course, the amendment of the Senator from Alaska operates in a manner directly contrary to that purpose.

So that the answer is, it is my understanding that, yes, it was discussed at great length among the staff, and to some lesser extent by the principals, and not only as a part of but it really goes to the essence of this aspect of the agreement.

I thank the Chair.

Mr. MURKOWSKI. I thank the majority leader. I obviously was not there either, so I have to depend on staff that has advised me, as I have stated to the majority leader, and that staff discussed it.

Mr. President, I understand that the phase 1 incentives are designed to encourage utilities to burn high sulfur coal but that is basically what I disagree with. We are trying to achieve clean air here, not promote one type of coal over another.

The amendment of the Senator from Alaska simply says a combination of technologies and coal can achieve the emission requirement. It makes no sense to limit our ability or our options for achieving clean air. That is what this legislation is all about.

It is difficult to understand, as I have indicated to the majority leader, that this can be concluded as a deal breaker. All we are doing is giving the utilities that must clean up their emissions a much greater ability to meet those obligations. I ask my colleagues what is wrong with that? That is what this is all about.

The scope of the understanding fixing base lines in phase one was the intent of the committee by broadening types of technologies utilities can use, two technologies equalizing greater reduction.

Why limit it only to postcombustion? What we really want is clean air.

If we are interested in achieving clean air we should adopt this amendment. The bill before us is written in favor of certain technologies over others. It limits utilities' ability to choose technologies and thereby limits our ability to achieve clean air.

We have before us a very complex piece of legislation. It is the contention of the Senator from Alaska that unfortunately this amendment pressed within the timeframe remaining here is not going to be understood by my colleagues. Hopefully, staffs are observing the debate today and can proceed with a greater understanding as to the validity of allowing the marketplace to make the determination. And clearly that is what the responsibility of this body is, and I will conclude because I believe my time is about to expire that this amendment provides the utilities with the maximum degree of flexibility to achieve clean air standards.

The bill promotes, as I have indicated, the use of clean air technologies with incentives but, as I have objected to, it unnecessarily restricts the technologies. The majority leader said scrubbers. Why only scrubbers? Why not a combination of precombustion technologies?

There are all types of technologies being developed today to provide cleaner coal. Why not encourage those in this legislation? Why is that considered a deal breaker? Certainly the justification for anything that is negative is contrary to what we are trying to achieve here and that is clean air.

My amendment removes those unnecessary restrictions and does not reduce or change or restrict the emission reduction requirements that the technologies must achieve to qualify. My amendment does not favor one technology over another. It does not favor one type of coal over another. This is not a case of eastern coal vis-a-vis western coal. My amendment simply gives all clean coal techniques an equal opportunity to compete in the marketplace. What is wrong with the marketplace determining how they are going to achieve the emission levels?

The result of this competition will be cleaner air at a lower cost to the consumer. I would ask and I would encourage all of my colleagues, who may still question the merits of this amendment to contact this Senator. The Senator from Alaska is available outside this Chamber. Staff is available to address the specific concerns.

Mr. President, how much time is remaining for the Senator from Alaska?

The PRESIDING OFFICER. The Senator from Alaska is controlling 2 minutes and 43 seconds.

Mr. MURKOWSKI. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska reserves the remainder of his time.

The Senator from Alaska should be advised that as he alone controls time at this point that time is being charged.

Mr. MURKOWSKI. Mr. President, under the circumstances I yield the remaining time that I have, and I thank the leader.

The PRESIDING OFFICER. The Senator from Alaska yields back his remaining time. All time other than the 15 minutes which is reserved for tomorrow to be equally divided has now been yielded back.

Mr. MURKOWSKI. Mr. President, if I may make an inquiry then, we have 7½ minutes equally divided tomorrow.

The PRESIDING OFFICER. There will be 15 minutes equally divided, 7½ minutes for the proponents, and 7½ minutes for the opponents.

Mr. MURKOWSKI. I thank the Chair for the clarification. Does the Chair have any idea that this vote will be stacked with other votes tomorrow?

The PRESIDING OFFICER. The Chair has no information on the time or order of consideration of this amendment.

Mr. MURKOWSKI. But I assume if I may ask, Mr. President, that the theory is at least that we will vote on this some time tomorrow?

The PRESIDING OFFICER. I assume, as the unanimous consent provided for 15 minutes of time to be reserved on this amendment tomorrow, that at the expiration of that 15 minutes there will be a disposition.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. I advise the Senator from Alaska that as of this point the yeas and nays have not been ordered on this amendment.

Mr. MURKOWSKI. Mr. President, I think it is appropriate that the Senator from Alaska requests the yeas and nays and the time to be determined by the majority leader when the votes come up.

The PRESIDING OFFICER. The Senator from Alaska is requesting the yeas and nays on this amendment at such time as the amendment is mature?

Mr. MURKOWSKI. Yes.

The PRESIDENT OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, is there a pending amendment?

The PRESIDING OFFICER. The pending amendment is No. 1307 by Senator BAUCUS, the Senator from Montana.

Mr. STEVENS. Mr. President, I ask unanimous consent that that amendment be set aside temporarily so I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1433 TO AMENDMENT NO. 1293

(Purpose: To amend Amendment No. 1293)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. MURKOWSKI, proposes an amendment numbered 1433.

On page 217, section 217 of amendment 1293 is amended by: (a) redesignating subsection (4) as subsection (5) and; (b) adding a new subsection (4) as follows:

"(4) The Administrator may waive in whole or in part the requirements of this subsection in any carbon monoxide nonattainment area in Alaska if the Administrator finds that prevailing temperatures in that area cause engine or fuel system malfunctions in vehicles using fuels meeting such requirements. The Administrator shall conduct a study to determine the effect of cold temperatures on fuels which meet the oxygen content requirements of this subsection and the feasibility of using such fuels during periods of sustained cold temperature."

Mr. STEVENS. Mr. President, the clean air bill before us mandates a 3.1-percent oxygen level for fuels sold in nonattainment areas during winter months. We have two major nonattainment areas in Alaska; Anchorage and Fairbanks. This level of oxygen is likely to be achieved by using an ethanol blend fuel, I am informed.

A 3.1-oxygen level may be difficult or impossible to obtain using ethanol

in some parts of my State. Ethanol blends separate from gasoline at temperatures lower than 20 to 30 below zero Fahrenheit, temperatures which are common in our State in winter months. This can create a more volatile situation in the fuel system which could potentially cause engine damage, we are informed.

In addition, ethanol fuels attract water, a higher ethanol content attracting more water. In a cold climate this poses a significant problem. The risk of fuel line freezeup or other engine problems associated with that is extremely dangerous at these subzero temperatures. Engine or fuel system malfunctions could leave motorists stranded in isolated areas in remote portions of my State in very difficult times.

This amendment has two functions. One, it gives the Administrator the flexibility, it is entirely discretionary, to waive the oxygenated requirements of section 217, if fuel required to be used under the section would cause engine or fuel system malfunctions. As I said that waiver is not automatic. It is purely discretionary. It is motivated by the safety considerations which have been brought about by a study conducted in my State.

We do not have the real esoteric capability of the Administrator and for that reason the second portion of this amendment will require the Administrator to perform a study to determine the feasibility of using higher oxygen content fuels in cold temperatures such as persist in Alaska in the winter months.

The study will allow us to determine which oxygenates can be safely used in Alaska or other States that have similar cold temperatures. I think ours have the lowest, persistent temperatures in the country.

Again, Mr. President, this is offered in full support of the concept of the ethanol blend fuels, but with the understanding that if we are required to have ethanol blend fuels sent to Anchorage and Fairbanks—those are the two major fuel storage centers for the whole State. That would be the fuels that would be distributed out into the west coast and up in the Arctic. We believe that some determination should be made as to whether the study that has been made in my State really is going to be the outcome of using fuels of this type. Notwithstanding the fact that we do have nonattainment levels we must meet in other fashions, we are not able to use this methanol fuel.

I would urge the managers of the bill to accept this amendment. It has been modified to meet their objections of prior language that we intended to offer.

Mr. DURENBERGER. Mr. President, until Alaska came into the Union and my colleague came into the U.S. Senate, I believe I had the right to stand here and say I represented the coldest State in the Union. There are times when in International Falls, MI, we claim to be the coldest place in the United States.

But the Senator from Alaska has a right to lay claim to the most difficult State in which to do the kinds of things that we propose to do with oxygenated fuels. He has supported the concept, as he has indicated here on the floor, on several votes that we have had. The amendment which he has proposed which requires the Administrator to make a specific finding relative to prevailing temperatures and requires the Administrator to conduct a study to determine the effect of cold temperatures on fuels, I think will benefit not only the State of Alaska but will have a benefit for some of the rest of us.

So I am authorized, on behalf of both the majority and minority managers, to say we strongly endorse the adoption of the Senator's amendment.

Mr. STEVENS. Mr. President, I ask that the amendment be agreed to.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment of the Senator from Alaska [Mr. STEVENS].

The amendment (No. 1433) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DURENBERGER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I thank the Chair and I thank the distinguished Senator from Minnesota.

I might say to my colleagues, Mr. President, that the two Alaska Senators are on the floor at the present time. We also claim some very high temperatures in our State, temperatures in excess of 100 degrees in the summertime. But it is the cold country that we represent that demands amendments like this. I am pleased the Senate recognizes our problems.

AMENDMENT NO. 1434 TO AMENDMENT NO. 1293

(Purpose: To provide for economic incentives and disincentives in ozone extreme areas)

Mr. DURENBERGER. Mr. President, I now send to the desk on behalf of Senator WILSON an amendment that I believe has been approved by the Democratic manager of the bill and has approval on this side as well.

The PRESIDING OFFICER. The Senator from Minnesota is advised that the pending business is the amendment by the Senator from Montana and it will be necessary to seek unanimous consent to set aside that amendment prior to consideration of the amendment which he wishes to offer.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that we set aside the amendment which is currently pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

With that having been agreed to, the clerk will report the amendment as submitted by the Senator from Minnesota.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER] for Mr. WILSON, proposes an amendment numbered 1434 to amendment No. 1293.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 81 of the amendment, between lines 17 and 18, insert the following new paragraph:

"(3) An implementation plan for an extreme area revised in compliance with this section may include measures providing economic incentives and disincentives, such as differential emission fees, marketable permits, road use and congestion fees, and emission charges, in combination with or as a supplement to regulatory requirements.

Mr. DURENBERGER. Mr. President, the amendment would allow the south coast region of California—the Los Angeles area—which is the only extreme ozone nonattainment areas in the Nation, to incorporate economic incentives in its implementation plan. These measures will be in addition to regulatory requirements. The incentives might include emission fees, road use and congestion fees and emissions charges, among other measures.

Mr. WILSON. Mr. President, this amendment will provide for economic incentives and disincentives in ozone extreme nonattainment areas.

The amendment would allow air quality regulatory authorities to use economic measures, such as incentives or disincentives, together with the standard regulatory process.

These economic tools are an important supplement to air regulatory districts because they allow them to apply additional devices to deal with intractable air quality problems.

The amendment I offer today provides that market-based incentives may be part of the weapons of the air district arsenal to attain clean air in our worst air pollution area, the "extreme nonattainment area." This amendment was developed by the executive committee of the Southern California Association of Governments [SCAG], in consultation with the South Coast Air Quality Management District [SCAQMD], the Environmental Defense Fund, the Sierra Club, and affected industries.

It is a permissive device which is not designed to replace tough air pollution

laws, but to supplement them with an additional air pollution strategy.

It would be extremely helpful to SCAG, SCAQMD and the other clean air interests in southern California if the provision for developing revised implementation plans for extreme areas explicitly recognized the role of economic incentives and disincentives.

In southern California, the problem is so serious that an ambitious, broad range of air pollution control activities will be required. All tools should be available. With the greater degree of specificity in the planning requirements for extreme areas, it is important to clarify that market-based tools are also available. The amendment I offer does not establish a mandatory requirement, but is a recognition of economic incentive and disincentive measures as a legitimate part of an implementation plan for extreme areas.

Market-based approaches can be effective in guiding individual decisions that affect air quality, because the market approach builds into these decisions the additional costs and benefits associated with these individual actions. Such economic incentives and disincentives are road use fees and congestion fees, or differential emission fees, can raise revenues to support other air quality/transportation actions, while discouraging pollution-causing activities.

In addition to SCAG, SCAQMD, Environmental Defense Fund, and National Resources Defense Council, this amendment is supported by the city and county of Los Angeles, the Los Angeles Chamber of Commerce and many elected officials in southern California. I have received many letters of support for this amendment from the city councils of many cities, such as Alhambra, Bell, Buena Park, Claremont, Long Beach, and Rialto. This is a partial list.

This amendment has been reviewed by the managers of the bill, and it has been accepted.

The amendment is not controversial, and I therefore urge its adoption.

Mr. President, I ask unanimous consent that a letter to me from the executive officer of SCAQMD be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT,
El Monte, CA, March 22, 1990.

Hon. PETE WILSON,
U.S. Senate,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR WILSON: We have reviewed the proposed amendment to S. 1630 by the Southern California Association of Governments. We support the amendment as a useful additional authorization of tools which will be useful to achieve our air quality objectives.

The amendment would authorize the District to use economic measures in combination with or as a supplement to our regulatory requirements. We believe economic measures including incentives and disincentives to be a useful element of a multi-faceted environmental regulatory program. It is important, however, that the use of these tools be discretionary rather than mandatory, so that we can maintain the flexibility necessary to select the best possible alternatives to achieve cost effective pollution control. It would be important if this amendment is adopted by the Senate that it not be changed in the legislative process to limit our flexibility to adopt the most effective control measures whether they are the result of the application of economic tools or direct emission reduction requirements.

The District continues to appreciate your support for its efforts to achieve healthy air for the citizens of Southern California.

Sincerely,

JAMES M. LENTS,
Executive Officer.

Mr. DURENBERGER. As I indicated, Mr. President, I understand this has been approved also by the Democratic manager, and I ask that the amendment be agreed to.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1434) was agreed to.

Mr. DURENBERGER. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1435 TO AMENDMENT NO. 1293

(Purpose: to provide uniform criteria with respect to transportation project conformity determinations)

Mr. DURENBERGER. Mr. President, I send a second amendment to the desk on behalf of the Senator from California.

The PRESIDING OFFICER. The pending amendment must be set aside before the Senator may offer another amendment.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that we set aside the pending amendment so that I may offer another amendment on behalf of the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER], for Mr. WILSON, proposes an amendment numbered 1435 to amendment No. 1293.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57 of the amendment, between lines 19 and 20, insert the following new sentence:

"With regard to subparagraphs (A), (B), and (C) of paragraph (2), the requirements of such subparagraphs shall comprise the statutory criteria for making transportation project conformity determinations under this Act.".

Mr. DURENBERGER. Mr. President, this second amendment on behalf of Senator WILSON, I believe, is technical in nature. I know it is acceptable both to the Democratic and Republican managers. It simply makes clear that criteria in the bill for determining the conformity of a transportation project with an implementation plan are intended to constitute the statutory criteria applicable to any individual transportation project. If that is not technical, I do not know what is.

Mr. President, I ask that the amendment be agreed to.

Mr. WILSON. Mr. President, this amendment provides uniform criteria with respect to transportation project conformity determinations in the Clean Air Act.

The language in this amendment permits a clearer interpretation of the Clean Air Act with regards to transportation projects. Without this amendment, confusion could result with the interpretation of existing law in the area of fulfilling statutory requirements for transportation projects.

The impacted air district, the South Coast Air Quality Management District, has been consulted and has no objection with the clarifying amendment.

Mr. President, this amendment has been reviewed by both managers of the bill, and has been accepted.

The amendment is not considered controversial, and I urge its adoption.

The PRESIDING OFFICER. Is there any further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1435) was agreed to.

Mr. DURENBERGER. I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURENBERGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

THE RYAN NOMINATION

Mr. WARNER. Mr. President, at this time I would like to make some remarks about the pending nomination of Timothy Ryan, who has been nominated by the President to be the Director of the Office of Thrift Supervision and whose nomination was reported out by the Banking Committee on Friday.

The report, I understand, has been filed, and I would presume it is the intention of the leadership to schedule the debate and, hopefully, the vote prior to the Senate's going on recess. In the judgment of this Senator, there are some imperative reasons why we should address this nomination very promptly.

Mr. President, I say to the managers of the bill, while I have a considerable amount of material I would like to cover this evening, should they seek recognition at any time, I will be happy to yield the floor. Mr. President, I will make now a unanimous-consent request that I might supplement the remarks that I am about to commence for the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I have known Mr. Ryan for nearly 14 years, and in the course of that rather lengthy association where he has rendered me professional advice in the capacity of a lawyer, he has been a very close friend, together with his lovely wife Judy. I watched their adoption of children. I came to know them as a family that really in so many ways stands out as the model of the generation now coming into major responsibility in the governmental sectors of America, State and Federal, and in the private sector.

It has been a remarkable, wonderful husband-wife team, and Tim Ryan, together with the support of his wife and family, has put together a splendid career. He has within his practice of law risen to the top ranks of his law firm, a major international law firm of considerable size, and in that period of time he has gained, in my judgment, extensive experience which certainly lends itself to the challenging tasks of the Office of Thrift Supervision.

When we have the heavy responsibility of advise and consent, the Senate should look for characteristics in each individual. Each individual should be examined on their own merits to determine, first, are they persons of intelligence. Have they been able to compete in their selected, chosen professions, compete in a way that they have gained recognition and have worked their way into positions of responsibility?

From my examination of the record before the Banking Committee, my knowledge of Tim Ryan, and also in the view of many other individuals who are now coming forward to give their own personal perspectives of this nominee to the Senate, Tim Ryan excelled in the law profession. He took on many, many cases and represented many clients with extremely complex problems.

So I do not think the question of his intelligence and his ability as a lawyer is at issue.

The next characteristic is personal. Is this individual one of moral character, one of integirty and indeed, one of honesty? This is a position of public trust. Considering the millions upon millions and millions of small savers all over America, the question of being honest and forthright, it seems to me, is as important as any in public service. Here again Mr. Ryan, when approached by the President's staff, gave them his entire background factually. He disclosed certain facts which now have been brought out in the press, but up front, and in an honest way he gave all that information to the FBI which was preparing his dossier for the purpose of the President and staff reviewing this nominee's background. Then, once the President had made the decision to send his name forward to the Senate, that information was made available to all members of the Banking Committee. So far as I know, each of them had full knowledge of the contents of the FBI report during the course of their deliberations on Friday. So I do not think there is any question of the man's honesty or his integrity.

The question of his specific experience is one that I can understand is of concern, first, to the members of the committee and now, as the remainder of the Senate undertakes its responsibilities to study this case, they, too, will carefully examine the specific cases and responsibilities he has handled as a lawyer. Each of us will have to make a decision on the question: Is this man, taking into consideration all of his attributes, qualified to receive the advice and consent of the Senate? In a sense, then, is the Senate to confirm the President's judgment that he be given the position of Director, Office of Thrift Supervision?

The Secretary of the Treasury, Secretary Brady, has taken a very active role in this nomination. The position for which Tim Ryan has been selected is one that is under his cognizance. He has spent extensive time with Tim Ryan. He went deeply into his background. He discussed it throughout all levels of the White House. And then, largely on the recommendation of Secretary Brady, this nomination came forward to the Senate.

Secretary Brady served as a member of the U.S. Senate. Fortunately, he knows many here personally. I think a great deal of weight should be accorded his judgment. I talked to him several times over the weekend. Together we made calls to our colleagues. Today we discussed the nomination at some length, and we in particular took into consideration the viewpoints of others who thus far have not had the opportunity to be heard from here in the Senate and outside the Senate.

At this time, Mr. President, I would like to read one letter. It is one of a number that I will put in the RECORD this evening, which I think will be of great help to those Senators who are going to, I am certain and confident, look at this nomination fairly and objectively, and determine for themselves whether or not Mr. Ryan has the character, the intelligence, and the experience to undertake this position.

This letter is dated April 2, 1990. It is addressed to the leadership of the Senate. I might add that the letter is signed both by Frank Carlucci, former Secretary of Defense, and his wife.

DEAR SENATORS DOLE AND MITCHELL: We write in support of the confirmation of Timothy Ryan to be director of the Office of Thrift Supervision.

Tim's lack of experience in the financial services industry is certainly a valid consideration. The question the Senate must face is whether Tim's strength of character and general ability outweigh that lack of experience. As those who have known him well for twenty years, we believe they do. As those who have also been involved in the public policy area for many years, we believe that in this type of crisis the ability of manage with discipline and the ability to generate public confidence are far more important than professional experience. Indeed, it seems that some of the most experienced and best known professionals are responsible for many of the problems of the financial services industry.

Financial services is not some occult science. Frank has been able to learn it after thirty years of little other than government experience. The key ingredient is judgment, a quality that seems to have been lacking in some of the most talented professionals. For all his lack of experience, Tim Ryan has judgment.

Frank would observe that he was criticized for lack of experience during confirmation hearings for, among other positions, Director of OEO, Deputy Secretary of Defense, and Under Secretary of HEW. Yet, he was able to learn his responsibilities quickly as a result of his general background in government. Tim Ryan has such a background.

We have full confidence that the Senate will sort out important considerations from sensationalized minor indiscretions committed years ago, but as those who know him well, we would like to go on record as endorsing Tim's strong moral character. He and his wife, Judy, are devoted family people who adhere to the ethical values we all hold dear. Our faith in Tim is such that for the past ten years, he has been the Executor of our estate, should we both die simultaneously. We have three children.

We have full confidence that the Congress will find Tim Ryan a forthcoming and straightforward partner. He is not a game player. On the contrary, he will give it to you as he sees it. That is a quality I know you are seeking.

Our argument is not based on fariness to an individual. Rather, it is premised on

what is best for the country. Certainly, you can find someone with more experience. But you will have to search long and hard for someone with Tim's integrity and total commitment to excellance in government.

His prompt confirmation is the best solution to a critical and time-sensitive problem. We strongly urge it.

Mr. President, I see the leader. Is it the desire of the leader to address the Senate at this time? I would be happy to yield the floor.

Mr. President, I had asked for unanimous consent which I have now received to put in other letters. I shall do that and yield the floor at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOLLAND & KNIGHT,
Miami, FL, March 20, 1990.

Senator SAM NUNN,
U.S. Senate,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR NUNN: As you are probably aware Timothy Ryan has been nominated for appointment as the Director of the Office of Thrift Supervision by the Bush Administration. This appointment is subject to Senate confirmation.

Tim is an old and close friend in whom I have a great deal of trust and confidence. Tim was the Solicitor of Labor who used his considerable legal skills and powers of persuasion to obtain a significant and binding agreement from the Teamsters Central States Pension Fund in response to your Permanent Subcommittee on Investigations hearings. I worked closely with Tim during that difficult time and I admired his intelligence, judgment, integrity, and forcefulness. In my opinion, second to your efforts with PSI, Tim had a significant impact with respect to cleaning up the Central States Pension and Health and Welfare Funds. I have followed Tim's career through the years and I have been impressed with his many accomplishments and with his significant ability and outstanding legal talents.

Obviously, the thrift industry is in a critical period of restructuring and requires an individual with strong leadership and extraordinary judgment and wisdom. Tim clearly possesses these qualities. I feel comfortable in asking you to review Tim's record and to support this nomination based solely on his exceptional qualifications.

I would be pleased to discuss Tim's qualifications with you. I believe Tim will welcome the opportunity to meet with you to discuss your thoughts, concerns and recommendations regarding the thrift industry. I have enclosed his resume for your review. If I can be of further assistance or if you have any questions or comments concerning Tim, please do not hesitate to contact me. I look forward to seeing you soon in Washington.

Sincerely,

HOLLAND & KNIGHT,
MARTY STEINBERG.

W. HARRISON WELLFORD,
Washington, DC, April 2, 1990.

Hon. GEORGE J. MITCHELL,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MITCHELL: I understand that the full Senate will vote on Tim Ryan's nomination to be Director of the Office of Thrift Supervision later this week. I have known Tim Ryan for ten years, since we worked together on the Carter-Reagan transition. He handled a number of delicate problems during that sensitive period with a spirit of bi-partisan cooperation and good will.

I know him to be a hard-working, honest, intelligent person, with a strong sense of public service. He will be a strong enforcer and a breath of fresh air in the savings and loan industry. Based on my experience, I predict that he will adopt a pragmatic approach to problem solving; he is definitely not an ideologue.

Given the mess that the so-called experts have made of the savings and loan issue, an enforcement-minded pragmatist is probably a better choice than someone who has spent years in the industry. I hope you will keep these thoughts in mind when you cast your vote on Wednesday.

Sincerely,

W. HARRISON WELLFORD.

MAIN STREET PRODUCTION CO.
April 2, 1990.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR GEORGE: I have known Tim Ryan for 15 years, as a fellow official in The American Council of Young Political Leaders and as a personal friend. We differ markedly on politics, obviously. But I can attest categorically to his integrity, character and commitment to public service.

I cannot pretend to know everything the job of Director of the Office of Thrift Supervision requires, but I know that if intelligence and drive are as central to it as they are to most tasks, Tim Ryan is a fine choice.

Sincerely,

HODDING CARTER III,
President.

REED SMITH SHAW & MCCLAY,
Washington, DC, April 2, 1990.

Hon. GEORGE J. MITCHELL,
Majority Leader, U.S. Senate, U.S. Capitol, Washington, DC.

Hon. ROBERT J. DOLE,
Minority Leader, U.S. Senate, U.S. Capitol, room Washington, DC.

DEAR SENATORS MITCHELL AND DOLE: At the Senate Banking Committee hearings on the nomination of Timothy Ryan to the Director of the Office of Thrift Supervision, some senators expressed concern about Mr. Ryan's general ability to handle this job, as well as his experience in the financial services area. The purpose of this letter is to briefly respond to those concerns.

I have worked closely with Tim Ryan for the past six years. During that time, we have represented investment banking and real estate firms on difficult investment and real estate transactions involving pension plan assets. Although he has no direct Thrift Industry experience, Tim has considerable financial services experience which well qualify him for this job.

Tim is exactly the type person the country needs to address the Thrift Industry problems. He's honest, direct and not tied to any of the various constituencies interested in the S&L situation. Quite frankly, we are lucky to have a man of his quality willing to consider this job.

If I can be of any further assistance, please do not hesitate to call me.

Very truly yours,

WILLIAM B. SAXBE.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I had yielded the floor thinking the majority leader was going to seek recognition. I now am informed that he will be back shortly and therefore I would like to take some additional time with which to continue my remarks on behalf of Timothy Ryan. I will promptly yield the floor should the majority leader return and desire to seek the floor.

Mr. President, I should now like to read from a letter from the chairman of the board of Booz, Allen & Hamilton, internationally recognized management firm, dated April 2. It is also addressed to the leadership of the Senate.

DEAR SENATORS DOLE AND MITCHELL: For more than 75 years, Booz, Allen & Hamilton has been in the business of advising its clients—major Fortune 500 corporations worldwide—on leadership and strategy. Through our work with Boards of Directors, Boards of Management, CEOs and foreign governments in organizational planning and restructuring, privatization, executive evaluation and strategy development, we've often focused on the issue of how one selects the right leader to effect change and achieve success. It is in this context that I am writing to you about Timothy Ryan, now being considered for the post of director of the Office of Thrift Supervision.

We believe that there are certain key qualities which are required in a senior executive, qualities which transcend specific industry experience and which, frankly, are far more crucial.

Vision and a clearly-defined sense of purpose. An ability to put the management of the organization in proper perspective, to set the strategy and remain focused while making necessary tactical decisions.

Personal strength and conviction. Having the guts to see the process through to completion.

Intelligence, imagination and sound judgment. An ability to grasp issues and the environment in which the organizaton is operating quickly and effectively, to focus on priorities, seek and accept counsel, frame a balanced course of action.

Tough-minded and action-oriented. An ability to get things in motion, make tough decisions, stay the course, but flexible enough to adjust/adapt to significant changes and new developments.

Self-confidence and commitment to success. The courage to withstand inevitable criticisms and confidence that one knows what needs to be done.

Management Skills. The ability to manage an organization and manage a problem through to resolution and effectiveness.

Communications skills and political sensitivity. The ability to represent the organization publicly, to communicate an understanding and create acceptance of its purpose/actions, together with an understanding of political realities and their impact.

Personal integrity. This, it seems to me, needs no further explanation.

I first met Tim Ryan 15 years ago when, as a young attorney, he worked successfully on some extremely complex legal matters for Booz, Allen. His effectiveness in this role resulted in our entrusting him and his firm with some of our most sensitive and difficult issues. Our association has continued over that period and I have watched his career develop and flourish.

I can say without hesitation that he meets these criteria fully and completely, as an attorney, as a manager of sizeable organizations, as a public servant of consummate effectiveness. I endorse his nomination without reservation and with considerable enthusiasm.

On a personal note, I want to echo the comments of Senator Riegle in deploring the exposure of highly confidential information regarding Tim Ryan. When highly-qualified Americans offer themselves for public service they should not be subjected to such counterproductive and inappropriate activity.

Mr. President, this I think is representative of a dozen or more letters which have come forward, largely unsolicited, to try and help the Senate in its collective and individual evaluation of this man in a very fair manner.

Taking into consideration that he was forthright in acknowledging that about 17 years ago he made a mistake, and he experimented with a controlled substance. Controlled substances now are the cause for a nationwide war. All of us are joined in trying to rid our society of drugs. He admitted it, and he also assured me, as he did the administration, that it was a limited experiment, just one or two times, and never thereafter, ever again, did he use any controlled substance.

Mr. President, that was 15 to 17 years ago. I remember that period very well, as I was then in the service of our Government in the Department of the Navy and had under my responsibility literally hundreds of thousands of young persons serving in the Navy and the Marine Corps. I lived with that generation, their stresses and strains, both in Vietnam and here in the United States.

For the United States of America today to, in a blanket way, say that if you touched a controlled substance one or two times in that period of time, you are not qualified now to move on and accept major responsibilities in the private or the public sector that would be a terrible mistake in the judgment of this Senator. No matter how serious the mistake was.

It seems to me that that generation was subjected to a most unusual period of history, and as such, we should examine each case individually today and not write many of them off simply because they made a mistake. This is particularly true when an individual who made the mistake, up front, voluntarily discloses it as a part of the process, which the executive branch now requires. It is an important part of the process necessary to examine closely the young people who are stepping forward to take positions of responsibility.

Mr. President, I close these remarks urging Senators to look at the material that I will provide for the RECORD tonight and tomorrow. We will be joined by the minority member of the Banking Committee, Mr. GARN, who is currently in travel; otherwise, he would be with me this evening. He will put in the RECORD and make available to Senators other letters as they come in.

I think these letters will be very helpful to the Senate, reaching what I know will be a fair, objective consideration of this young American, who is willing to step forward, and take on a challenge of incalculable proportions.

Mr. President, I, once again, urge my colleagues to think carefully about this nomination sent forward by the President, with the full support of one of our former members, Mr. Brady, Secretary of the Treasury.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1437 TO AMENDMENT NO. 1293

(Purpose: To make technical changes)

Mr. MITCHELL. Mr. President, on behalf of Senators DECONCINI and MCCAIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. DECONCINI (for himself and Mr. MCCAIN), proposes an amendment numbered 1437 to amendment No. 1293.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 27 of the amendment, strike lines 1 through 6 and insert the following:

"(e) PLAN REVISIONS.—Each revision to an implementation plan submitted by a State under this Act shall be adopted by the State after reasonable notice and public hearing. The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement of this Act.

"(2)(A) Except as provided in subparagraph (B), each State that contains a nonattainment area shall fully implement all provisions of any implementation plan for such area that has been approved by the Administrator, in accordance with the schedules contained in the plan.

"(B) The State shall not relax a provision or schedule described in subparagraph (A) unless the Administrator has approved an alternative control measure pursuant to paragraph (3) of this subsection relating to such provision or schedule.

"(3) Nothing in this Act shall prohibit a State that contains a nonattainment area from revising the implementation plan of such State for such area to substitute an alternative control measure for a control measure in effect at the time of such revision (hereinafter referred to as an 'existing control measure'), if the State convincingly demonstrates, to the satisfaction of the Administrator, that the existing control measure is not otherwise required under this Act or under guidelines or regulations issued or promulgated by the Administrator and the alternative control measure—

(A) is not included in the implementation plan to be revised;

(B) is not otherwise required by this Act;

(C) will provide a degree of emissions control that is equal to or greater than the degree of emissions control that the full implementation of the existing control measure would provide; and

(D) will provide such degree of emissions control as expeditiously as would the full implementation of the existing control measure.

"(4) If the Administrator determines, after reasonable notice and public comment, that—

"(A) the State described in paragraph (3) has made a convincing demonstration required under such paragraph; and

"(B) the proposed revision to the implementation plan of the State meets the requirements of paragraph (1), the Administrator shall approve such revision.

Mr. DECONCINI. Mr. President, I am offering an amendment that builds upon the mandate in S. 1630, and the substitute offered by the majority leader for tough, new clean air measures coupled with additional time for attainment of standards. This in my opinion represents a sound approach.

However, in allowing this additional time for attainment, we must ensure that air quality gains made to date are not lost.

When Congress passed the 1977 Clean Air Act Amendments, many States took advantage of the new attainment deadlines in that law to postpone compliance schedules or the implementation of control measures that were already in their State plans.

EPA even consented to the relaxation of compliance deadlines in court-approved consent decrees. As a result, reductions in dangerous air pollutants were needlessly delayed.

I believe that air quality benefits that would be obtained from clean air strategies already on the books should not be postponed because Congress gives the cities more time to develop additional strategies.

Therefore, I am proposing an amendment to prohibit the relaxation of emission reduction requirements and schedules already required as part of State implementation plans [SIPS] adopted to meet the current deadlines.

In my own State of Arizona, we have made great strides toward attacking the problem of urban air pollution. We have adopted a tough auto emissions

testing program, and a mandatory oxygenated fuels program for our major metropolitan areas. These measures are the products of painstaking legislative efforts, driven largely by the mandates of the Clean Air Act. According to EPA, they should be adequate to produce attainment in Phoenix and Tucson by as early as 1991.

But without a clear signal from Congress, the opponents of these measures may seek to scuttle them, citing the additional time allowed for attainment under the legislation currently in the committee bill and the Mitchell substitute. My amendment would make abundantly clear that this legislation is intended to build upon existing control strategies, not undercut them. It requires that until an area demonstrates actual attainment of standards, new implementation plans must contain provisions at least as stringent and comprehensive as those included in the previous implementation plan.

The amendment does not impose any new burdens on State or local governments: It simply requires that they stick with control strategies that have already been adopted.

In the vast majority of cases, these are strategies that have been developed by the States themselves after thorough public debate and discussion.

My amendment does not prohibit States from modifying existing control measures to make them more efficient or effective. Modifications are prohibited only where they would make the control strategy less stringent or would relax existing deadlines.

We have made significant changes in the amendment so that it does not violate the bipartisan agreement.

I appreciate the assistance of the floor managers and their staffs in working with me on this amendment.

Also, I want to thank David Baron, assistant director of the Arizona Center for Law in the Public Interest, for his help. For over the last 6 years, the center, a nonprofit public interest law firm, has been on the frontlines in Arizona's fight for clean air.

In conclusion, these amendments to the Clean Air Act that we are considering should not be viewed as condoning delay in important clean air measures.

My amendment ensures that new steps will be taken without undermining the progress that has been made to date.

Mr. MITCHELL. Mr. President, I am advised by staff and the managers that this amendment has been cleared on both sides of the aisle.

Accordingly, I am prepared for adoption of the amendment, if there is no further debate.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Maine.

The amendment (No. 1437) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. I would like to ask my colleague from Montana a few questions with regard to the Outer Continental Shelf provision in the legislation.

Mr. BAUCUS. I would be happy to respond to any questions from the senior Senator from California.

Mr. CRANSTON. Would the Senator clarify the purpose of the Project Emission Reduction Fund called for in the section on Outer Continental Shelf air pollution requirements.

Mr. BAUCUS. The Project Emission Reduction Fund is intended to provide additional means whereby the oil companies can obtain offsets. Each project obtaining their offsets through this fund will have to meet the exact same offset requirements which would apply, if they had obtained their offsets directly from an offset provider. If a company chooses to obtain their offsets through the fund, a specific set of offsets from the fund will be identified for that project, and those offsets must remain in place for the entire period that the project emits air pollution.

Mr. CRANSTON. I would also like to ask the Senator to clarify the offset provisions of section 327.

Mr. BAUCUS. During the exploration, development, and production phases, the OCS project must provide sufficient offsets to meet the offset requirements associated with the project's emissions. During construction, due to the unique circumstances of OCS facilities whose construction can result in a very large amount of emissions for a short period of time, a special method of offsetting construction is provided. By way of example, if construction of an OCS project results in 300 tons of emissions in 1 year, and the peak annual operation emissions are only 100 tons, the project operator can choose to offset construction at a rate as low as 100 tons per year for 3 consecutive years. These construction offsets are in addition to the development and production offset requirements. It is intended that both the project emissions and corresponding offsets be specified in the permit issued by the Interior Department. If an OCS operator chooses to use an onshore source of offsets for an OCS project, it is intended that the Interior Secretary will have established through regulations a procedure whereby the onshore district can enforce the offsets occurring within their jurisdiction.

Mr. CRANSTON. I thank the Senator for his explanation. This resolves many of my concerns about this section of the amendment. I ask unanimous consent to have printed in the RECORD at this point a statement of intent regarding section 327.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OUTER CONTINENTAL SHELF ACTIVITIES (SECTION 111)

SUMMARY

The bill adds a new section 327 to the Act that requires the Secretary of the Interior, within 180 days of enactment, to promulgate requirements applicable to sources of air pollution in the Outer Continental Shelf (OCS) offshore California. The OCS requirements must be as stringent as would be applicable if the OCS sources were located in the corresponding onshore area. Specific regulations implementing the requirements must be promulgated by the Secretary after obtaining written approval from the Administrator. Procedures are included for waiving specific pollution control technology requirements due to technical infeasibility or an unreasonable threat to health and safety. A Project Emission Reduction Fund is established to facilitate the securing of offsets. For OCS areas other than California, the Secretary of the Interior is required to complete a study, within three years of enactment of this Section, which addresses the onshore impacts of current and future OCS emissions on adjacent onshore areas.

DISCUSSION OF SPECIAL REQUIREMENTS FOR OFFSHORE CALIFORNIA

OCS activities offshore California, including exploration, construction, development, and operation activities, emit a significant amount of air pollution which can adversely impact coastal air quality. This section of the bill is intended to ensure that air pollution from these OCS activities do not significantly affect the air quality in any coastal region of California. OCS air pollution will be regulated by the Secretary to protect federal and state ambient air quality standards. These requirements are intended to include, at a minimum, the applicable federal best available emission control technology (BACT) requirements and offset requirements for all new facilities; reasonably available control technology (RACT) requirements for all existing facilities; and permitting, monitoring, testing and reporting requirements for all new, modified and existing facilities. Each approval by the Secretary of an Exploration Plan or Development and Production Plan will be accompanied by findings of compliance with this Section. To maintain stringency with onshore requirements, it is also intended that the Secretary should notify the adjacent onshore air district of such findings prior to approval of the OCS activity. The regulations adopted pursuant to this legislation should minimize differences in air pollutant regulation which currently exist between OCS sources offshore California and sources located in the adjacent offshore air district.

This legislation provides the Secretary up to 180 days to establish regulations to implement Section 327. The EPA Administrator shall prepare draft regulations to implement Section 327. The EPA Administrator shall prepare draft regulations which meet

the requirements of this Section. The Secretary must obtain written concurrence from the EPA Administrator on all regulations promulgated pursuant to Section 327 prior to adoption of the regulations. It is anticipated that the Administrator will not draft a unique set of air quality requirements for the OCS.

Section 327(a)(1) requires OCS facilities to provide a quantity and type of offsets which is as stringent as would be required if the facility was located in the onshore air district. Both the project emissions and corresponding offsets will be specified in the permit issued by the Secretary. If an OCS operator proposes to use an onshore source of offsets for an OCS project, it is intended that the Secretary will have established, through regulations, a procedure whereby the onshore district can enforce the offsets occurring within their jurisdiction. During the exploration, development, and production phases, the OCS project must provide sufficient offsets each year to meet the offset requirements associated with the project's emissions. Construction emissions (which involve a substantial amount of oxides of nitrogen pollution from construction barges and other marine vessels) will also be required to be controlled and offset consistent with the requirements of the adjacent onshore air district. Due to the unique circumstances during OCS construction, wherein a large amount of oxide of nitrogen emissions occur within a relatively short period of time, a special provision has been added to allow for some non-contemporaneous offsetting of construction emissions. The bill would provide that for an OCS source whose construction resulted in, for example, 300 tons of emissions within a single year, but whose peak annual operational emissions are 50 tons a year, the construction offsets could be provided at a rate as low as 50 tons per year for a period of 6 consecutive years. If an applicant proposes to use this partially non-contemporaneous method of offsetting construction emissions, the company would be obligated to provide some of their construction offsets at the same time as they were providing offsets to cover the first few years of their production emissions.

The EPA Administrator shall delineate geographical boundaries for OCS air districts which correspond to the adjacent onshore air districts. The boundaries of such OCS air districts shall consider wind flow patterns toward shore during ozone exceedance periods and shall initially extend a distance of 25 miles from the shoreline, and can be extended by the Administrator.

The bill provides that the Secretary, with written concurrence of the Administrator and after providing for public comment, can waive a requirement for an OCS source under specified conditions. If the Secretary waives a requirements for an OCS source, the Secretary must make written findings explaining the basis for the waiver and must impose another requirement equal to or as close in stringency to the original requirement as possible. The three conditions when a requirement can be waived are as follows. First, the Secretary can waive a pollution control technology requirement and substitute an alternative technology that achieves the same level of emission control. Second, the Secretary may waive a requirement for pollution control technology that is technically infeasible or which would cause an unreasonable threat to health and safety. The third condition when a requirement can be waived for an OCS source is when the Secretary makes the finding that a requirement imposes a greater level of emission control or greater amount of offsets then is or would be imposed if the source were located within the adjacent onshore air district. This third waiver is provided solely to ensure that onshore districts do not adopt emission control or offset requirements which are arbitary and capricious and have the effect of prohibiting OCS development.

The bill provides that OCS equipment contained in a plan of exploration or development and production plan approved by the Secretary prior to enactment of the section shall be considered existing sources, as long as that equipment is not moved to another OCS source. Existing sources will be regulated at least as stringently as existing sources in the adjacent onshore air district and new and modified sources will be regulated at least as stringently as new and modified sources in the adjacent onshore air district. It is intended that the regulations shall take effect with respect to new sources or modifications to existing sources on the date of promulgation. This process is intended to ensure that the OCS facilities carry their fair-share burden for air pollution control and prevent the need for instituting more stringent regulations onshore to compensate for unmitigated OCS emissions.

The bill provides that the authority of this section shall supersede any inconsistent authorities under this Act or the Outer Continental Shelf Lands Act (OCSLA). This provision is intended solely to impose additional responsibilities for air pollution regulation under Section 5 (a)(8) of the OCSLA and to ensure regulation of marine vessel emissions, notwithstanding Section 110(a)(5) of this Act. This provision does not repeal or modify any other federal, state or local authorities with respect to air quality, or any other responsibilities of DOI under the OCSLA. In no case shall this provision allow the violation of any National Ambient Air Quality Standard.

Subsection (a)(2) of the bill establishes a Project Emission Reduction Fund (PERF). The requirements for the quantity and type of offsets must be as stringent as would apply if the OCS facility was located in the adjacent onshore air district. Specific offsets must be identified for each project, and those offsets must remain in place for the entire period that the project emits air pollution. The Secretary may, with the consent of the Administrator, allow the Fund to be used to pay for an early implementation of emission control measures planned for the future under the applicable implementation plan or other relevant laws or regulations. In the event of such early implementation of emission control measures, the reductions shall be credited as offsets against OCS emissions only for the period for which the reductions are not otherwise required under the applicable implementation plan or other relevant law or regulation in effect at the time the emission control measures are credited to a specific OCS project. The above requirements shall apply whether the PERF fees are deposited into the fund or when the Secretary approves a direct transfer of PERF fees from the OCS operator to the entity implementing the offset project.

DISCUSSION OF SPECIAL REQUIREMENTS FOR OTHER OFFSHORE AREAS

This subsection requires, for areas other than offshore California, the Secretary to coordinate air pollution control requirements for OCS emissions and emissions in the adjacent onshore areas. This subsection also requires the Secretary to complete a study of the impacts of current and future OCS emission sources on the adjacent onshore areas. It is intended that the Secretary consult with the Administrator on the scope and content of the study and on any recommended actions which are found to be necessary, based on the study results, to address significant effects on onshore non-attainment areas.

GORE AMENDMENT TO CLEAN AIR LEGISLATION

Mr. SANFORD. Mr. President, I rise today to voice my support of Senator GORE's amendment accepted on Friday that would have a proenvironmental and prohealth effect. The amendment strikes provisions that would allow plants to buy the properties of individuals living next to the plants in order to reduce the health risks of toxic emissions instead of meeting tighter emissions standards.

These provisions have been characterized as "dead zone" provisions, since they would essentially allow facilities to create new areas where no one could live or work without being exposed to health risks greater than those allowed by this bill. In these circumstances, a facility that was exposing people to a cancer risk of greater than 1 in 10,000 or 1 in a million could simply move the people, rather than reduce toxic emissions, when a compliance deadline was imminent.

While such provisions might achieve the same health goals as emission reductions in some circumstances, there are two reasons why this approach cannot be accepted. First, this is not the type of ethic we should be endorsing as Earth Day approaches. My constituents have made it clear that they believe the burden of meeting health standards for air pollutants should fall on the facility that is emitting pollutants, not those who happen to live near a plant—meaning that compliance plans should figure out how to reduce emissions, rather than how to convince people to move away from the plant. I would also point out that a mitigation strategy that would ensure that no person is exposed to a risk of greater than 1 in 10,000 could still result in unacceptable health effects, if enough people were exposed even to low risk levels.

Second, the mitigation approach would not help guard against environmental effects. Some pollutants can begin to cause environmental damage at levels lower than those which pose unacceptable health risks. Pollutants can be transported long distances, and can accumulate in the environment or act in concert with other pollutants to harm the environment. While the EPA will try to account for such effects, Senator GORE's amendment will provide an additional margin of safety for the environment by encouraging additional emissions reductions, rather than making it very difficult for EPA to take action if it is suspected that a

mitigation strategy might still allow environmental damage to result.

Mr. President, the purpose of the clean air legislation before us is to clean up our Nation's air and to reduce the health risks from toxic emissions. Senator GORE's amendment will do just that.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE RAZORBACKS AND LADY RAZORBACKS FOR A GREAT JOB IN NCAA TOURNAMENTS

Mr. BUMPERS. Mr. President, on behalf of myself and my colleague Senator PRYOR, I want to commend the University of Arkansas Razorbacks for the great job they did in the NCAA semifinals on Saturday.

David and I had an Arkansas turkey riding on the game, and unfortunately, we are going to have to deliver that turkey to Senator SANFORD of North Carolina. As we all know, he is a former president of Duke University and just as proud as a peacock today.

But we in Arkansas are equally proud of our team. Every player was superb in one or more games—and it would be unfair to pick any single player out for recognition. It was all a great team effort, and they have made this one of the most memorable years in Razorback sport history. We watched every minute of every game—except 5 minutes of the North Carolina game when CBS in Washington switched to the Clemson-Connecticut matchup.

I also want to pay special tribute today to head coach Nolan Richardson. After his first two seasons at Arkansas, when the Razorbacks were 31-30, he took a lot of criticism from many quarters. But he stood his ground, coaching as he thought best, and 3 years later the Razorbacks were in the Final Four for just the fourth time in history. They end the year as champions of the Southwest Conference, the Southwest Conference Tournament, and the NCAA Midwest Regional.

Despite the final results of their last matchup, the future looks especially bright. Coach Richardson has assembled a young team, with outstanding juniors and sophomores who will be even better next year.

I also want to recognize the achievement of the Lady Razorbacks, who had their most successful season in the history of Arkansas' women's basketball program. They not only advanced to the Elite Eight for the first time, they also won their first Southwest Conference crown. In all, they did a magnificent job.

Now I just want to know what the "Big O" said to that guy Dudek in the Texas game.

Mr. PRYOR. Mr. President, I would like to second the comments of my colleague Senator BUMPERS. We are both alumni of the University of Arkansas, and like many others in our State followed the Razorbacks closely during a truly exciting season. In our book, they are champions.

In addition to our outstanding seniors Lenzie Howell and Mario Credit, the Razorbacks have several younger players who will continue to make great contributions. Three outstanding sophomores will be back next year: Todd Day, Lee Mayberry, and Oliver Miller. Day led the Hogs in scoring this year, Mayberry was next, and the "Big O" set a new University of Arkansas record for blocked shots.

Another sophomore, Darrell Hawkins, figures to play a bigger role next season, as do juniors Ron Huery and Arlyn Bowers. But each member of the team made a big contribution that we will not soon forget.

Senator BUMPERS and I also want to pay tribute today to the Lady Razorbacks and their coach John Sutherland. Before a sold-out crowd of 7,500 at Maple Pavilion in California, the Lady Razorbacks played in their first ever NCAA Women's West Regional Championship.

During that game, the Lady Razorbacks shot better than 56 percent from the field, and were outrebounded by only 37 to 35. Their center, Delmonica DeHorney, scored a career-high 39 points and had 8 rebounds.

Despite the final score against Stanford, the Lady Razorbacks deserve a lot of credit for completing the best season in school history with a record of 25-5. They were listed in the AP top 25 for the first time, and Delmonica DeHorney was named the Southwest Conference's Player of the Year.

Delmonica, Juliet Jackson, Amber Nicholas, Blair Savage, Christ Willson, Kendall Mago, Wendy Scholtens, and the rest of the team deserve our thanks for an outstanding effort. We are very, very proud of their achievement, and wish them all the best in the seasons ahead.

ON CIGARETTE SMOKING

Mr. KERREY. Mr. President, I ask unanimous consent to have printed in the RECORD two letters that I received this week from Nebraska. The first letter is from a group of four cigarette manufacturers—the American Tobacco Co., Lorillard Tobacco Co., Philip Morris, USA, and R.J. Reynolds Tobacco Co.—to a Nebraska resident, Ms. Mae Thomsen.

In this letter to Ms. Thomsen the companies warn her of the potential of being singled out as a smoker for discriminatory tax treatment. They urge her to write her Representative to object. The letter is dated March 19, 1990.

The second letter is from Mr. Gregory P. Drew, attorney at law, Blair, NE. His letter is one line:

Mae Thompsen died of lung cancer on January 29, 1990.

Mr. President, I need say no more, and I yield the floor.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE AMERICAN TOBACCO CO., LORILLARD TOBACCO CO., PHILIP MORRIS U.S.A., R.J. REYNOLDS TOBACCO CO.,

March 19, 1990.

MS. MAE THOMSEN,
113 North 14th Street,
Blair, NE.

DEAR MS. THOMSEN: Are you tired of being singled out for unfair tax increases?

If you're like most smokers we know, you've had your fill of this kind of discriminatory treatment.

That's why we're writing to warn you about the proposals now pending in Congress . . . proposals that threaten your rights *and* your pocketbook.

Several of these proposals aim to double the amount of federal cigarette tax you're paying now. One proposal aims to almost triple it.

Think of it. You and your fellow smokers already pay about $10 billion per year in local, state, and federal cigarette taxes. But that's not enough to satisfy some members of Congress. They want you to pay even more!

There's only one way to stop this outrageous tax threat. You must write and call Washington now.

As American cigarette manufacturers, we care about all our customers. And we want to do all we can to help you in the battle against unfair taxes and discrimination. That's why we've joined together to alert you to this latest threat.

But there's only so much we can do. The rest is up to you. Your elected officials in Washington do care about what people back home think. But they must hear from you. If you want to head off a federal excise tax increase, you must contact Washington today.

It's easier than you think. Here's how to do it:

1. Write short, personal letters to your Federal officials.

Tell them you're fed up with unfair tax increases. Let them know you're tired of being treated like a second-class citizen!

Urge them to find other ways to reduce the deficit. Tell them loud and clear: "Don't balance the budget on the backs of smokers!"

Point out that smokers already pay far more than their fair share in excise taxes—nearly $10 billion a year!

Tell them smokers shouldn't have to foot the whole bill for programs that are everyone's concern.

ATTORNEY AT LAW,
Blair, NE, March 26, 1990.
Hon. J. ROBERT KERREY,
U.S. Senate,
Washington, DC.

DEAR SIR: Mae Thomsen died of lung cancer on Jan. 29, 1990.

Sincerely,

GREGORY P. DREW.

AMENDMENT TO INTERNATIONAL REGULATIONS FOR PREVENTION OF COLLISIONS AT SEA—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM-106

Under the authority of the order of the Senate of Janaury 3, 1989, the Secretary of the Senate, on March 30, 1990, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

Consistent with the International Navigational Rules Act of 1977 (Public Law 95-75; 33 U.S.C. 1602), I transmit herewith an amendment to the International Regulations for Preventing Collisions at Sea, 1972, as amended, which was adopted at London, October 19, 1989. The Convention on the International Regulations for Preventing Collisions at Sea (72 COLREGS) was adopted at London, October 20, 1972, to replace the 1960 Collision Regulations. The 72 COLREGS entered into force July 15, 1977, and there are currently over 100 countries party to the convention. The 72 COLREGS were previously amended in November 1981 and in November 1987 to clarify technical language in the existing regulations.

This amendment modifies the language of rule 10(d) that governs the conduct of vessels in an inshore traffice zone of a traffic separation scheme adopted by the International Maritime Organization. The amendment was designed to remove the ambiguity inherent in the words "normal" and "through traffic" as used in the existing text. This ambiguity lent itself to different interpretations by coastal states anxious to limit traffic in inshore traffic zones in order to reduce the risk of pollution from collision or stranding. The new language for rule 10(d) is phrased so that the mariner should have a better understanding of his duties and obligations with regard to the use of inshore traffic zones by ships.

Consistent with section 5 of the Inland Navigational Rules Act of 1980 (section 5 of Public Law 96-591; 33 U.S.C. 2073), this proposed amendment has been considered by the Rules of the Road Advisory Council, which has given its concurrence to the amendment.

In the absence of a duly enacted law to the contrary, I will proclaim that the amendment will enter into force for the United States of America on April 19, 1991, unless by April 19, 1990, more than one-third of the Contracting Parties have notified the International Maritime Organization of their objection to the amendment.

GEORGE BUSH.

THE WHITE HOUSE, *March 30, 1990.*

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 1990, the Secretary of the Senate, on today, April 2, 1990, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following bill and joint resolution:

S. 388. An act to provide for 5-year, staggered terms for members of the Federal Energy Regulatory Commission, and for other purposes; and

H.J. Res. 500. Joint resolution to designate April 6, 1990, as "Earth Day, U.S.C."

The enrolled bill and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 1:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3. An act to authorize appropriations to expand Head Start programs and programs carried out under the Elementary and Secondary Education Act of 1965 to include child care services, and for other purposes;

H.R. 2209. An act to enable producers of soybeans to develop, finance, and carry out a nationally coordinated program, for soybean promotion, research, and consumer information, and for other purposes; and

H.R. 3847. An act to redesignate the Environmental Protection Agency as the Department of Environmental Protection, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2209. An act to enable producers of soybeans to develop, finance, and carry out a nationally coordinated program for soybean promotion, research, and consumer information, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3847. An act to redesignate the Environmental Protection Agency as the Department of Environmental Protection, and for other purposes; to the Committee on Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

Pursuant to section 300 of the Congressional Budget Act of 1974, as amended, the Committee on the Budget was discharged from the further consideration of the following concurrent resolution; which was placed on the calendar:

S. Con. Res. 110. Concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1991, 1992, and 1993.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3. An act to authorize appropriations to expand Head Start programs and programs carried out under the Elementary and Secondary Education Act of 1965 to include child care services, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 2, 1990, he had presented to the President of the United States the following enrolled bill:

S. 388. An act to provide for 5-year staggered terms for members of the Federal Energy Regulatory Commission, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2696. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Immigration Reform: Employer Sanctions and the Question of Discrimination;" to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 2006: A bill to establish the Department of the Environment, provide for a global environmental policy of the United States, and for other purposes (Rept. No. 101-262).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Timothy Ryan, of Virginia, to be Director of the Office of Thrift Supervision for a term of five years (Exec. Rept. 101-20).

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to

appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DECONCINI:

S. 2387. A bill to amend the Internal Revenue Code of 1986 to exempt Federal law enforcement officers and firefighters from the penalty tax on early distributions from retirement plans; to the Committee on Finance.

By Mr. CRANSTON:

S. 2388. A bill to provide for the striking of medals in commemoration of the Centennial of Yosemite National Park; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THURMOND:

S. 2389. A bill to extend until January 1, 1994, the existing temporary suspension of duty on tetraamino biphenyl; to the Committee on Finance.

By Mr. INOUYE:

S. 2390. A bill for the relief of Mark Maio Fernandez; to the Committee on the Judiciary.

By Mr. GLENN (for himself, Mr. HATFIELD, Mr. MOYNIHAN, Mr. KOHL, Mr. HEINZ, Mr. SIMON, Mr. MURKOWSKI, Mr. CONRAD, and Mr. BINGAMAN):

S. 2391. A bill to establish Summer Science Academies for talented, economically disadvantaged, minority participants, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KASTEN:

S. 2392. A bill to foster and enhance the wise stewardship of natural resources on America's agricultural lands, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. EXON (for himself, Mr. GORE and Mr. GORTON):

S. 2393. A bill to prohibit certain food transportation practices and to provide for regulation by the Secretary of Transportation that will safeguard food and certain other products from contamination during motor of rail transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRANSTON:

S.J. Res. 283. Joint resolution to commemorate the centennial of the creation by Congress of Yosemite National Park; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DECONCINI:

S. 2387. A bill to amend the Internal Revenue Code of 1986 to exempt Federal law enforcement officers and firefighters from the penalty tax on early distributions from retirement plans; to the Committee on Finance.

EXEMPTION FROM PENALTY TAX ON EARLY DISTRIBUTION OF RETIREMENT FUNDS TO FEDERAL POLICE AND FIREFIGHTERS

● Mr. DECONCINI. Mr. President, I rise today to introduce legislation which is a companion to S. 2250, the Federal Law Enforcement Pay Reform Act of 1990, that I introduced on March 9, 1990.

The only major recommendation of the National Advisory Commission on Law Enforcement that was not included in S. 2250 was a matter that concerned the tax penalty levied on Federal law enforcement officers who retire before age 55 and elect to receive the "alternative form of annuity" [AFA].

This legislation will amend the Internal Revenue Code of 1986 to exempt Federal law enforcement officers and firefighters from the 10 percent penalty on early distributions of their retirement funds.

Mr. President—if a Federal law enforcement officer retires today between age 50, when he becomes eligible, and age 55, when it becomes mandatory, he must pay a 10 percent penalty on the amount he paid into his own retirement account over the previous 20 to 30 years. These funds have already been taxed during the years they were earned. This younger age retirement eligibility for law enforcement was established specifically because of the rigors of the profession and the need for this group of Federal employees to be in excellent physical health and conditioning in order to perform their mission safely.

When it was drafted, the Internal Revenue Code of 1986 did not take into account the fact that many Federal officers are eligible for and take advantage of retirement prior to age 55. At one time, this penalty was levied on employees who retired prior to age 59½. The age was then reduced to 55 in order to accommodate Federal employees who were eligible for bona fide retirements. The Federal law enforcement retiree was overlooked during this process. Traditionally, Federal law enforcement officers have been encouraged to retire when they become eligible and this tax penalty is an unfair burden considering that other Federal, State, and local taxes are also in effect.

I request unanimous consent that the entire text of this bill be printed in the RECORD and I respectfully request that my colleagues join me in cosponsorship of this bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FROM PENALTY TAX ON EARLY DISTRIBUTIONS FROM RETIREMENT PLANS FOR FEDERAL LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS.

(a) IN GENERAL.—Subparagraph (A) of section 72(t)(2) of the Internal Revenue Code of 1986 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by striking "or" at the end of clause (v), by striking the period at the end of clause (vi) and inserting ", or", and by adding at the end thereof the following new clause:

"(vii) made under title 5, United States Code, based on the employee's retiring from Government service under section 8335(b), 8336(c), 8412(d), or 8425(b) of such title, if retirement occurs after attainment of age 50."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 1123(a) of the Tax Reform Act of 1986.●

By Mr. CRANSTON:

S. 2388. A bill to provide for the striking of medals in commemoration of the Centennial of Yosemite National Park; to the Committee on Banking, Housing, and Urban Affairs.

S.J. Res. 283. Joint resolution to commemorate the centennial of the creation by Congress of Yosemite National Park; to the Committee on the Judiciary.

CENTENNIAL OF YOSEMITE NATIONAL PARK

Mr. CRANSTON. Mr. President, I introduce today two measures to mark the centennial of Yosemite National Park. The first is a joint resolution to commemorate the park's centennial; the second would authorize the striking of medals honoring the beauty and historic significance of the park.

Yosemite National Park is truly a national treasure and indisputably the flagship of the American park system. Its dazzling panoramas and quiet nooks of spectacular beauty are found throughout the 760,000 acres of the park. I was particularly pleased to protect 95 percent of the park as wilderness when we passed the California Wilderness Act in 1984. In addition, the magnificent Tuolumne and Merced Rivers—designated wild and scenic rivers—both originate in Yosemite.

Yosemite is one of the most visited parks in the country, enjoyed by nearly 3½ million visitors each year. The monolithic grandeur of Half Dome, the drama of El Capitan and the majesty of Bridalveil Falls are images etched into the memories of these visitors. Yosemite's commanding peaks and valleys have been the inspiration of many. It's no wonder that my dear friend Ansel Adams returned year after year to produce some of our country's best and well known photographs which so richly capture the splendor of Yosemite.

In 1864, the Yosemite grant—including Yosemite Valley and the Mariposa Grove of Giant Sequoias—was deeded to California by the Federal Government. This was the first such grant recognizing the need to protect lands of unique natural beauty. This action provided the inspiration and model for the creation of the National Park System. Yosemite National Park was officially created on October 1, 1890, becoming the country's third national park after Yellowstone and Sequoia.

As we mark the centennial of Yosemite, we also affirm the commitment to preserve and protect this land for future generations. Proceeds from the sale of the centennial commemorative medals would be paid into a permanent endowment fund for Yosemite National Park. The interest on this fund would be used for back country trail development and the preservation of Sequoia groves within Yosemite.

Both of these measures were introduced by Congressman LEHMAN in the House where they received bipartisan support and were recently passed by unanimous consent. The commemorative medal bill also has the support of the U.S. Mint.

I ask for your support of this legislation to honor and commemorate the centennial of the Yosemite National Park—one of America's best loved parks.

Mr. President, I ask unanimous consent that the text of these measures be printed in the RECORD.

There being no objection, the bill and joint resolution were ordered to be printed in the RECORD, as follows:

S. 2388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Yosemite National Park Centennial Medal Act".

SEC. 2. YOSEMITE NATIONAL PARK CENTENNIAL MEDALS.

(A) STRIKING AND DESIGN OF MEDALS.—In commemoration of the centennial of Yosemite National Park in 1990, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike medals with suitable emblems, devices, and inscriptions capturing the scenic and historic significance of the park. The design of the medals shall be determined by the Secretary in consultation with the Secretary of the Interior and the Commission of Fine Arts.

(b) SALE OF MEDALS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the medals issued under this Act shall be sold by the Secretary at a price equal to the cost of designing and issuing such medals (including labor, materials, dies, use of machinery, and overhead expenses) and the surcharge provided for in paragraph (3).

(2) BULK SALES.—The Secretary shall make bulk sales at a reasonable discount.

(3) SURCHARGES.—All sales shall include a surcharge of $2 each.

SEC. 3. DISTRIBUTION OF SURCHARGES.

All surcharges which are received by the Secretary from the sale of medals issued under this Act shall be promptly paid by the Secretary to a permanent endowment fund for the benefit of Yosemite National Park to be administered by the National Park Foundation. The net income from the fund shall be paid to the Secretary of the Interior for purposes of funding special supplemental projects relating to back country trail development and rehabilitation, and the preservation of Sequoia groves within the boundaries of Yosemite National Park.

SEC. 4. SALES OF MEDALS IN NATIONAL PARK FACILITIES.

The Secretary and the Secretary of the Interior shall enter into a memorandum of agreement to allow—

(1) the Secretary to deliver medals to the Secretary of the Interior; and

(2) the Secretary of the Interior to provide for the sale of the medals in national park facilities.

SEC. 5. METAL CONTENT AND SIZE OF MEDALS.

The medals authorized to be struck and delivered under this Act shall be struck in bronze and in the size determined by the Secretary in consultation with the Secretary of the Interior.

SEC. 6. NATIONAL MEDALS.

The medals authorized by this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 7. EXAMINATION OF RECORDS.

The Comptroller General of the United States shall have the right to examine all books, documents, and other records of the National Park Foundation which are related to the medals authorized by this Act.

S.J. RES. 283

Whereas the first application of a park concept originated in Yosemite with the grant of 1864 (Federal land given to California for preservation) and since that time the park has played an important role in pioneering park management concepts;

Whereas Yosemite National Park was established for the purpose of preservation of the resources that contribute to its uniqueness and attractiveness;

Whereas the United States Congress recognized the importance of preserving this great park for future public enjoyment when it established Yosemite National Park;

Whereas Yosemite National Park is a showcase of spectacular geological features, including the greatest concentration of granite domes in the world and the largest exposed granite monolith in the world;

Whereas Yosemite National Park possesses outstanding recreational values and supreme scenic attractions, including alpine and subalpine wilderness, three groves of giant sequoia trees and thundering waterfalls that are among the world's highest;

Whereas Yosemite was the birthplace of the idea of the Sierra Club;

Whereas Yosemite plays an important role in wildlife preservation and preserving biological diversity;

Whereas Yosemite is a world heritage site which has made a significant contribution to California's cultural heritage, to the national park movement, and to Yosemite's 4,000 years of cultural heritage by Native Americans;

Whereas Yosemite provides solitude and inspiration and serves as an outdoor classroom for environmental education;

Whereas each year Yosemite National Park welcomes millions of people from around the world; and

Whereas Yosemite National Park was established on October 1, 1890, and is the Nation's third oldest national park: Now, therefore be it

Resolved by the Senate and House of Representatives in Congress assembled, That the Congress hereby recognizes and commemorates the centennial of Yosemite National Park, created by Congress in 1890. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the centennial with appropriate ceremonies and activities.

By Mr. THURMOND:

S. 2389. A bill to extend until January 1, 1994, the existing temporary suspension of duty on tetra amino biphenyl; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY

Mr. THURMOND. Mr. President, today I am introducing legislation to temporarily suspend the duty on the chemical tetra amino biphenyl [TAB]. This chemical is imported into the United States from West Germany. TAB is an essential raw material used in the production of a high performance fiber called "PBI."

PBI is a unique heat and chemical resistant fiber that can be used as a suitable replacement for asbestos. PBI has a wide range of thermal protective applications such as flight suits and garments for firefighters, boiler tenders, as well as refinery workers.

Mr. President, in the 98th and 100th Congresses, I introduced similar legislation to apply duty-free treatment to TAB. This bill was ultimately incorporated into the Omnibus Tariff and Trade Act of 1984 and the Omnibus Trade Act of 1988. The current duty suspension for this chemical expires December 31, 1990.

There is still no domestic producer of TAB. Thus, the temporary suspension of duty on this chemical will not cause injury to any U.S. manufacturer of the product.

There are a large number of jobs that are directly related to production of PBI, as well as additional positions resulting from research, development, and marketing of this product. These jobs hinge on the ability of the domestic manufacturer of PBI to produce this product efficiently and at a competitive price for the available markets. Temporary removal of the import duty on this principal raw material will lower the production cost for PBI fiber and enable the domestic manufacturer to establish a competitive market for products containing PBI.

Mr. President, suspending the duty on this chemical will benefit the consumer by stabilizing the costs of manufacturing the end-use products. Further, this suspension will allow domestic producers to maintain or improve their ability to compete internationally. I hope the Senate will consider this measure expeditiously.

I ask unanimous consent that the text of this bill be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That heading 9902.29.27 of the Harmonized Tariff Schedule of the United States (19 U.S.C.

3007) is amended by striking out "12/31/90" and inserting "12/31/93".

SEC. 2. The amendment made by the first section of this Act applies with respect to goods entered, or withdrawn from warehouse for consumption, after December 31, 1990.

By Mr. INOUYE:

S. 2390. A bill for the relief of Mark Maio Fernandez; to the Committee on the Judiciary.

RELIEF OF MARK MAIO FERNANDEZ

● Mr. INOUYE. Mr. President, Mark Maio Fernandez was born on March 14, 1958, at Tripler Army Medical Center in Honolulu, HI. He was one of two twin boys born 6 weeks premature, weighing 2.5 pounds. According to the records, he became jaundiced sometime on his second or third day of life, and his jaundice condition was noticed on the third day and yielded a microbilirubin test result of 25.5 mg. A subsequent test yielded a result of 32.6 mg. bilirubin.

Excessive bilirubin is believed to be the cause of brain damage. Although it is alleged that a blood transfusion should have occurred when the bilirubin count reached 20 mg., no transfusion was performed until the 32.6 percent level.

Mr. Fernandez's brother, Wayne, is 6'5" and graduated from the University of Hawaii in 1981. He is normal, bright and will be a police officer with the Honolulu Police Department. Mark Fernandez is a young man with serious brain damage and a limited IQ slightly above the level of mental retardation. He suffers from deafness and spasticity in his lower limbs. At 5'5", he is a foot shorter than his twin brother.

As a result of his handicaps, he attended the Hawaii School for the Deaf and Blind. Although he can understand and utilize sign language, apparently his level of communication is elementary, and he is limited in his ability to deal with such ordinary matters such as money or caring for himself. In an attempt to assist himself, he has found employment as a janitor at a fast food restaurant, but his earning capacity is obviously severely restricted for the rest of his life.

In 1976, after reading about a similar case, his parents sought legal counsel and filed an administrative suit with the Department of the Army. His attorneys feel that his claims were and are strong, and medical experts from both Hawaii and the mainland testified about medical negligence and the relationship of this failure to administer a timely transfusion to the subsequent brain damage.

The trial court ruled that the claim was barred by the statute of limitations. The Ninth Circuit Court of Appeals affirmed, based on the theory that his parents should have known of the medical malpractice earlier since they were given a discharge report by the treating physician at Tripler Army Medical Center, from which they could have derived knowledge of the action.

However, the decision overlooks the fact that Mark's parents are not highly educated. Further, the report is technical and meaningless to one not trained in medicine. I believe that the members of the subcommittee will concur that the language used therein would not unduly alarm those without medical knowledge.

The bill provides only that the U.S. District Court for the District of Hawaii have jurisdiction to hear and try the case notwithstanding the statute of limitations, laches or any previous dismissal. It does not provide any direct relief for the claimant.

I ask the subcommittee to act favorably on this bill.●

By Mr. GLENN (for himself, Mr. HATFIELD, Mr. MOYNIHAN, Mr. KOHL, Mr. HEINZ, Mr. SIMON, Mr. MURKOWSKI, Mr. CONRAD, and Mr. BINGAMAN):

S. 2391. A bill to establish Summer Science Academies for talented, economically disadvantaged, minority participants, and for other purposes; to the Committee on Labor and Human Resources.

SUMMER SCIENCE ACADEMY ACT

● Mr. GLENN. Mr. President, today I rise to introduce the Summer Science Academy Act of 1990. This legislation is designed to address this Nation's severe shortage of minorities and women in the fields of mathematics, science, and engineering.

The United States now operates in a global market that places a high premium on technological innovation. Today, more than 70 percent of the goods manufactured in the United States now compete with merchandise made overseas. Innovation ensures that U.S. firms will be able to manufacture state-of-the-art, high-quality products that consumers both here and abroad will want to buy.

Yet this country may not produce enough scientists, engineers, and technical personnel to meet the demands of a dynamic, high-technology economy. Declining interest in scientific careers among young people and declining birthrates have shrunk the pool of potential scientists. In fact, the National Science Foundation predicts that by the year 2010, if current trends continue, America will suffer a shortfall of more than 560,000 scientists and engineers.

One way to avert this impending crisis is to educate and recruit more of our Nation's minorities and women into the fields of math, science, and engineering. Although these groups are becoming a greater percentage of our Nation's work force, they have traditionally been neglected as a human resource and underrepresented in these fields.

Today, black Americans make up 12 percent of our population, but they account for only 2 percent of this country's engineers and scientists. Meanwhile, Hispanics, America's fastest growing minority group, make up 9 percent of our population, but they too only account for 2 percent of our scientists and engineers. In my home State of Ohio, women receive one-half of all bachelors degrees, but receive only one-fourth of all the bachelors degrees in science and engineering.

This is, indeed, disturbing news considering that blacks and Hispanics—now 25 percent of our schoolchildren—will be 47 percent by the year 2000. These groups already constitute the majority in 22 of the 25 largest U.S. city school districts. Additionally, by the year 2000, 85 percent of our work force's net new entrants will be members of minority groups and women. Quite simply, unless we as a nation do a better job in encouraging these groups to enter a technical career, America's economy and its companies will suffer.

The legislation I am introducing today is a dramatic effort to recruit more women and minorities into the technical fields. The bill creates 20 geographically dispersed Residential Science Academies to provide talented, economically disadvantaged minority students instruction in the fields of mathematics, science, and engineering design. Each academy will provide 8 weeks of intensive instruction to 50 students in each of the grades 7 through 12. All students will return to the adademy each summer until completion of their 12th grade academy term. These students will be far from passive learners. They will learn science and math through innovative courses and materials. They will learn through group study and interactive, hands-on approaches.

The National Science Foundation will select academies through open, merit-based competition. At least 70 percent of the participants will be minority students from the poorest of circumstances for whom all books, food, lodging, and other costs will be provided. The remaining 30 percent will be talented students from other income categories whose families will be assessed fees according to their ability to pay. The cost to establish and run the summer science academies is a modest $2 million in fiscal year 1991. Over 5 years, costs will total $26 million.

Plain and simple, this legislation will open the door of opportunity to hundreds of talented youth who might otherwise not have the resources or guidance to pursue a technical career. Students will be exposed to the concepts of science and math and, conse-

quently, will gain both the self-confidence and training necessary to pursue scientific studies. These students will also serve as role models in their respective communities. They will communicate to their peers that science and math are worthy pursuits and that a technical career is attainable. Equally important, academy graduates who go on to become scientists and engineers will serve as desperately needed mentors.

That American industries will need more young people to fill their technical positions is reason enough to establish these summer academies. There is, however, another important reason. The barrier to high-paying technical jobs has inhibited this Nation's pursuit of equal opportunity for all its citizens. As long as minorities are denied access to decent jobs—due to prejudice and inadequate training—our commitment to an open and fluid society is hollow. These academies will help to break down these barriers.

In closing, I want to commend Dean Shirley McBay of MIT for her contrtibutions to this legislation. My staff, having heard she had an interesting proposal, approached her several months ago and asked her for assistance. Dean McBay and her staff responded, offering me a sensible, modestly priced and well throught out proposal for these summer academies.

I should point out that this proposal was endorsed by the quality education for minorities project, which Dean McBay serves as director. The QEM project's action council is chaired by my old friend, former Labor Secretary Ray Marshall, and includes such eminent Americans as Senators KENNEDY and BINGAMAN, Carnegie Corp. president David Hamburg, Albert Shanker, Hodding Carter, Marian Wright Edelman, Mary Harwood Futrell, and Paul E. Gray. The project's recent report, Education That Works: An Action Plan for the Education of Minorities, included among its recommended strategies for increasing the participation of minority college students in science, mathematics, and engineering, the establishment of these summer science academies.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Summer Science Academy Act of 1990".

SEC. 2. FINDINGS.

The Congress finds that—

(1) this Nation's universities are neither enrolling nor graduating enough American students into the fields of science or engineering, particularly students from underrepresented minority groups;

(2) the United States must reach out to minorities in order to address the Nation's future potential shortfall of scientists and engineers;

(3) innovative and creative approaches to recruiting and educating minority students in the science, mathematics, and engineering fields are sorely needed;

(4) Black Americans make up over 12 percent of the population of the United States, but account for only 2 percent of the Nation's employed engineers and scientists;

(5) Hispanic Americans are the fastest growing American minority group and comprise 9 percent of the Nation's population, but account for only 2 percent of the Nation's employed scientists and engineers; and

(6) American Indians, including Alaska natives, constitute one-half of one percent of the population of the United States, but make up only three one-thousandths of all the baccalaureate degrees awarded in engineering and science.

SEC. 3. STATEMENT OF PURPOSE.

The purposes of this Act are to—

(1) improve the enrollment and completion rates of minority individuals in science and engineering;

(2) improve the precollege preparation of minority students for whom a technical career is a viable option;

(3) strengthen participating students' mathamtical, science and communication skills which are essential to such students' success in high school, college and the work place;

(4) identify approaches to teaching that may be particularly effective with minority students;

(5) enhance participating students' sense of self-esteem and life skills to enable such students to successfully meet life's many challenges.

SEC. 4. DEFINITIONS.

For purpose of this Act—

(1) the term "Academy" means a Summer Science Academy established pursuant to the provisions of this Act;

(2) the term "eligible entities" means—

(A) institutions receiving financial assitance from the National Science Foundation to serve the education needs of minority students, including Resource Centers in Science and Engineering, Minority Research Centers, and Comprehensive Minority Centers; and

(B) other nonprofit educational organizations;

(3) the term "Foundation" means the National Science Foundation;

(4) the term "parent" includes a legal guardian or person standing in loco parentis; and

(5) the term "participant" means a student enrolled in an Academy.

SEC. 5. PROGRAM ESTABLISHED.

(a) IN GENERAL.—The National Science Foundation shall make grants to, or enter contracts or cooperative agreements with, eligible entities to establish and operate at least 20 Summer Science Academies to provide talented, economically disadvantaged, minority students instruction in the fields of mathematics, science, engineering design, and communications.

(b) SPECIAL REQUIREMETNS.—To the maximum extent possible, Academies shall be—

(1) geographically dispersed nationwide; and

(2) residential in nature.

(c) ACADEMY ENROLLMENT.—(1) Each Academy shall be ultimately responsible for serving 50 participants in each of the grades 7 through 12 for a combined annual Academy enrollment of 300 participants.

(2) In the first fiscal year in which an Academy is established, such Academy shall instruct at least 50 participants in each of the grades 7 and 8. In each succeeding fiscal year, such Academy shall instruct at least 50 participants in each of the grades taught in the preceding fiscal year and 50 participants in the next higher grade. In no event shall funds be available for instruction of participants beyond grade level 12.

(3) Participants shall continue enrollment in the Academy until successful completion of their 12th grade Academy term, at which time such participants will be considered graduates of the Academy.

(4) Enrollment slots which become available as a result of participant departures from the Academy shall be filled through criteria established by each Academy. Such criteria shall be approved by the National Science Foundation.

SEC. 6. ACADEMY SELECTION CRITERIA.

The Foundation shall establish a peer review process to select eligible entities to establish and operate Academies.

SEC. 7. PARTICIPANT SELECTION CRITERIA.

(a) IN GENERAL.—The Foundation shall establish selection criteria and procedures by which each Academy shall select and admit participants. Such selection criteria shall include—

(1) in-school academic performance and accomplishments;

(2) aptitude and expressed interest in the fields of science, mathematics, or engineering; and

(3) recommendations from potential participants, parents, church organizations, civic organizations, and other community-based or education organizations.

(b) SPECIAL RULE.—To the maximum extent possible—

(1) at least 50 percent of the participants in each grade level in each Academy shall be female; and

(2) at least 70 percent of the participants in each grade level in each Academy shall be talented, economically disadvantaged, minority students.

SEC. 8. USE OF FUNDS.

(a) IN GENERAL.—Each eligible entity receiving funds pursuant to the provisions of this Act shall use such funds to—

(1) hire and recruit permanent and visiting staff to instruct and supervise participants;

(2) provide participants and staff with lodging, food, materials, and other accommodations;

(3) provide stipends to economically disadvantaged minority participants to cover the costs of attending the Academy;

(4) assist participants in acquiring certain life skills including—

(A) respect for others;

(B) responsibilities as members of communities;

(C) conflict resolution;

(D) working with others; and

(E) basic written and verbal communication skills;

(5) provide participants with mathematics, science, engineering design, and communications experiences through—

(A) problem solving and reasoning skills development;

(B) interactive and hands-on learning; and

(C) group study and cooperative learning; and

(6) conduct such other activities as the eligible entity may determine necessary to carry out the provisions of this Act.

(b) STIPENDS.—The amount of the stipend provided pursuant to subsection (a)(3) shall be determined on the basis of the participant's or participant's parents ability to pay the cost of attending the Academy.

(c) ADMINISTRATIVE COSTS.—The Foundation may use no more than 5 percent of the funds appropriated to carry out the provisions of this Act in each fiscal year for administrative expenses.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,000,000 for fiscal year 1991, $3,000,000 for fiscal year 1992, $5,000,000 for fiscal year 1993, $7,000,000 for fiscal year 1994, and $9,000,000 for fiscal year 1995 to carry out the provisions of this Act.●

● Mr. SIMON. Mr. President, I am pleased to join Senator GLENN in sponsoring the Summer Science Academy Act of 1990. Summer residential programs for young minority students will help to restore America to a world leadership position in the sciences, and will help to reverse the decline in the number of minority students attending and completing college.

This bill will also help to, in effect, extend the school year for some of the neediest students in the country. Most of these United States have a school year of 180 days. In Japan, they attend school for 243 days. In fact, in a recent comparision of the length of the school year in 22 countries, the United States came in 21st.

The 1983 report on school reform, "A Nation At Risk," recommended increasing the school year to 200 to 220 days. But the States are having a hard time increasing their school year by just a few days. For example, just last month, the Arkansas State Board of Education voted, for the second year in a row, to delay a 5-day extention of the school year.

The modest funds provided by this bill will allow some of our most educationally disadvantaged students to continue their education through the summer in a key subject area. I commend Senator GLENN for his hard work on this issue, and I look forward to working with him to implement this much-needed program.●

By Mr. KASTEN:

S. 2392. A bill to foster and enhance the wise stewardship of natural resources on America's agricultural lands, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARM STEWARDSHIP ACT OF 1990

● Mr. KASTEN. Mr. President, I rise today to introduce the Farm Stewardship Act of 1990, to continue the work the Congress began in 1985 to bring together our national agriculture policy and national conservation policy in the Food Security Act.

The 1985 farm bill was landmark legislation; it linked together, for the very first time, public financing of agriculture with conservation requirements. The highly erodible and wetlands conservation provisions—known as sodbuster and swampbuster—required producers who participate in most Federal farm programs to refrain from converting erodible lands and wetlands to crop production.

Accompanying this prohibition was an incentive, the Conservation Reserve Program, by which producers were rewarded for retiring cropland and establishing permanent cover for a 10-year contract period. Another provision was a domestic version of debt-for-nature swaps—providing relief on farm debt in exchange for conservation easements for environmentally sensitive lands.

The 1985 farm bill is a good foundation to build on, and that is precisely what we have to do with the 1990 farm bill.

We need to build on these forward-looking concepts—make some course corrections to improve how the 1985 provisions work—and take the next important steps to ensure progressive and responsible stewardship of our precious soil, water, wetland, and wildlife resources.

The concept of sustainability has come of age, not only for natural resources such as soil, water, and wildlife, but for social and economic factors as well. In all areas of social, economic and environmental policy, we must seek goals that will lead to optimum and sustainable results, not maximum production.

American wildlife is dependent on American agricultural practices. Most of the wildlife in our Nation lives, breeds, and dies on private agricultural lands. At an even more basic level, the health of both agriculture and wildlife depend in the long run on soil and water. Where the land or water is poisoned, where ground water or topsoil is being mined, where soil is being worn out, where vegetation is stripped, neither wildlife nor agricultural production can enjoy a secure future.

This legislation will recognize that farmers are the key stewards of our Nation's bounty, and that both agriculture and wildlife depend on the effective conservation of soil and water.

My bill, the Farm Stewardship Act of 1990, would improve the stewardship of natural resources on our private agricultural lands. We can only achieve this goal by providing an economic climate that encourages and rewards good stewardship, and by providing the solid information and assistance farmers need if they're going to make sound stewardship decisions about their soil, water, wetlands, and wildlife.

The first innovation of this bill is to put some real teeth into the wetland conservation provision, swampbuster. My bill proposes two crucial course corrections for the swampbuster wetlands conservation program. Swampbuster has not been implemented in a way that has made anyone satisfied and it has not served the cause of wetlands conservation or agriculture very well. According to data collected by the Soil Conservation Service as of January 1990, on about 33 percent of the farms receiving Federal program benefits, over 82,586 acres of wetlands have been converted since 1985.

If we extrapolate this number to a full 100 percent of producers' farms, which would not necessarily be fair statistically—but nonethless, if we extrapolate these results to all participating producers farms, it would mean the destruction of nearly 300,000 acres of wetlands. I am told that many of these converted wetlands are not being used for agricultural commodity crop production and therefore do not come under swampbuster.

Yet, according to a National Wildlife Federation study in the summer of 1989, only 26 producers have actually had Federal program money withheld. The numbers simply don't make sense—agricultural wetlands conversion is continuing, and enforcement of swampbuster has apparently not yet been directed at the individuals responsible.

I advocate two linked proposals to improve swampbuster:

First, violation of swampbuster should be effective upon conversion of the wetland, not upon planting of an agricultural commodity. Second, I propose a reduced penalty for first-time violators, provided that the converted wetland is restored or its conversion mitigated through an agreement between the Soil Conservation Service, the Fish and Wildlife Service, and the producer. The producer would have one year to accomplish the restoration; otherwise, the full penalty would be imposed.

Under my plan, the reduced penalty would be a one-time qualified amnesty for violators. Our purpose should not be to put farmers out of business, but to encourage compliance and the restoration of converted wetlands.

The second innovation of my legislation is the creation of the Farm Stewardship Program. The Farm Stewardship Program would be a voluntary program to permanently protect, through conservation easements, fragile resources including soil, water, wetlands, and wildlife. Unlike the CRP and other term set-aside programs, the Farm Stewardship Program would target those fragile resources where it will never be in the interest of the Nation to continue cropping.

Areas that would be eligible for the Farm Stewardship Program would include fragile or vulnerable natural resources of high value to the public. For example the Farm Stewardship Program could include cropped wetlands, former wetlands that can be feasibly restored, and water bank wetlands; sink holes, identified aquifer recharge areas or other areas that have a high potential to contaminate surface and ground water; endangered species habitats that are threatened by continued practices including application of certain agricultural chemicals; unique or rare wildlife habitats of significant ecological value. Beginning in 1995, certain areas of highly erodible lands would also be eligible.

A key feature of the Farm Stewardship Program is allowing the landowner to make economic uses of the conservation area that are compatible with protecting it—like hunting leases, periodic hay cutting, or managed timber harvest. Compatible economic uses would be strictly controlled through agreements between the U.S. Secretary of Agriculture, the easement manager, and the landowner. The bill encourages States and landowners to get involved in management of the easement areas.

I fully expect that this Farm Stewardship Program will be popular with farmers, conservationists and even budget watchdogs because it permanently protects fragile resources, shares the cost of protection of natural resources of high value with the farmers who are their stewards, and builds equity with public dollars.

Mr. President, I predict that the eligible lands that farmers will be interested in enrolling into the program will exceed the dollars we have to devote to the program. I have therefore proposed establishing State technical committees to oversee the technical aspects of the farm bill in each State including selecting lands eligible for the Farm Stewardship Program. Priority will be placed on those lands that do the most to restore wetlands, improve water quality, restore wildlife, and beginning in 1995, reduce soil erosion.

The bill would encourage the use of wetland and flood plain easements under the authority of the Small Watershed and Flood Protection Act. It would prohibit USDA from using Federal funds for conversion of wetlands. Such a provision will remove some of the mixed signals the Federal Government is sending on wetland conservation.

The wildlife title of my bill, which some have called nest buster, calls for the designation of the same land each year for set-aside land, and for the establishment of cover on all set-aside acreage. Set-aside acreage in perennial cover would be considered as planted to the program crop for deficiency payment purposes as long as the cover is maintained. This provision would turn the millions of acres of set-aside acreage into productive wildlife habitat.

It would also reduce erosion, improve water quality, and provide a forage reserve for use in emergency situations. Haying or grazing would be limited to certain periods in order to minimize negative effects on nesting.

Another provision will protect the producer's crop base on expiring Conservation Reserve Program contracts. It would establish national soil erosion goals approaching "T by 2000"—that is, by the year 2000, soil erosion rates should not exceed soil loss tolerance rates. The Conservation Reserve Program would be extended through 1995 but would be modified to accommodate the Farm Stewardship Program.

The title on water conservation provides that farm conservation plans will specify best management practices or other measures to ensure that farm operations are consistent with Federal and State water quality standards, and required by 1995 that these plans must be applied where standards are being violated. It seems unwise, from both policy and fiscal standpoints, to establish a major separate Federal water quality program under USDA when the States already operate a federally funded water quality program.

Finally, the "debt for nature" title builds on the 1985 Act to improve the ability of farmers to obtain debt relief in exchange for the granting of conservation easements. I believe that this option should be available to every financially troubled farmer early in the process of restructuring his farm debt. This approach pays double dividends by keeping farmers on the farm and protecting fragile resources.

Let me illustrate the potential of the debt-for-nature concept to resolve two problems simultaneously. According to the Department of Agriculture—January 25, 1990 testimony of Roland R. Vautour, Under Secretary for Small Community Development—the Farmers Home Administration alone is projected to have overall losses of $22 billion as a result of farm debt restructure and farm programs.

To put that figure in perspective of the resources we are trying to protect on American agricultural lands, that sum would purchase conservation easements on 44,000,000 acres (at an average of $500 per acre), nearly three times the total acreage of all farmed wetlands that are causing all the concern with swampbuster (17.1 million acres of cropped wetlands according to the Soil Conservation Service). That is almost 25 percent more acreage than is enrolled in the Conservation Reserve Program. We have a tremendous opportunity to manage Federal relief of farm debt to help the farmer and to protect our precious natural resources.

This title also calls for protecting resources held in the FmHA inventory, and for holding wetlands and other fragile areas as collateral to secure direct or federally insured or guaranteed loans.

I believe this bill is the essential next step in the struggle to preserve our natural heritage. Our country has been blessed with resources—it's up to us to be sensible in protecting them. As we approach Earth Day 1990—a truly global expression of our common commitment to environmental health—let us begin our concern and our activism right here at home.

Mr. President, I look forward to working with my colleagues in this body and with the Committee on Agriculture, Nutrition, and Forestry as we put together the 1990 farm bill. Together, we can make this conservation bill the law of the land—build a safe and healthy future for America—and set a responsible example for the whole world.●

By Mr. EXON (for himself, Mr. GORE, and Mr. GORTON):

S. 2393. A bill to prohibit certain food transportation practices and to provide for regulation by the Secretary of Transportation that will safeguard food and certain other products from contamination during motor or rail transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SAFE FOOD TRANSPORTATION ACT OF 1990

● Mr. EXON. Mr. President, I rise today to introduce a bill that is designed to stop an abhorrent practice that poses a serious risk to food safety. This practice involves transporting wastes or chemicals in the same vehicles that are also used to transport food. The practice is known as backhauling.

In the absence of proper protections, backhauling can be deadly. Tank trucks carrying toxic chemicals should not also carry the apple juice served at our breakfast tables. Yet, this is exactly the type of practice that has been occurring without any specific Federal regulations to either prohibit this or mandate proper decontamination.

That backhauling is a problem has been well-documented in recent months by the media and in hearings before the House and Senate. Much of the attention that has been given to this problem arises from the testimony of whistle-blowers who have stepped forward in an attempt to stop this practice; like the truck drivers in eastern Washington State who have testified that for 2 years they were ordered to haul juices, cooking oils, and other food-grade liquids in tank trucks that also carried chemicals. These and

other accounts have alerted us to the problem.

In my view, the legislation being introduced today is necessary since this practice has not been adequately addressed by the Federal agencies with existing responsibility for food safety. I am pleased that two other members of the Surface Transportation Subcommittee, Senators GORTON and GORE, have also taken an active interest in this issue, with each having proposed legislation to restrict backhaul practices. These two bills were the subject of a Surface Transportation hearing, during which a record was established leading to many of the modifications contained in this bill. The Safe Food Transportation Act of 1990, which is cosponsored by Senators GORE and GORTON, also incorporates and builds upon many of the provisions in H.R. 3386, backhaul legislation approved by the House of Representatives on March 27, 1990.

I would also like to applaud the efforts of my colleagues in the House, Congressmen CLINGER and LUKEN, for their hard work in drafting a thoughtful piece of legislation designed to eliminate this practice.

I believe the Safe Food Transportation Act of 1990 will go a long way toward ensuring the integrity of our food supply as it travels across this Nation and I urge my colleagues to support passage of this legislation.●

● Mr. GORTON. Mr. President, I would like to commend the chairman of the Senate Commerce Committee's Subcommittee on Surface Transportation, Senator EXON, for his expeditious work in writing the Safe Food Transportation Act of 1990. I would also like to thank him for including me and my staff in the drafting of this compromise bill.

Last fall, the Seattle Post-Intelligencer ran an investigative series revealing an appalling lack of oversight over food transportation practices. James Wallace, in an award-winning series of articles, detailed the shocking practice of a tank truck which alternately carried liquid foods and harmful chemicals. Many of us were shocked to learn that this practice was legal. In October, I introduced a bill to address this practice, along with another practice of backhauling garbage in refrigerated trucks that carry food.

I would like to thank Senator EXON for holding hearings on this issue last month. We received important testimony from industry groups which will be affected by the new requirements in this legislation. I was impressed by the constructive comments and suggestions that I received both at our hearing and in many meetings with industry representatives. We have tried to shape our new bill to address the many legitimate concerns which were raised. It is very clear to me that the affected industries place food safety as their top priority, and I appreciate their positive attitude and input in this process.

Mr. President, the Senate Commerce Committee hopes to consider this bill tomorrow. I expect it to have overwhelming support and I hope it will be scheduled for floor consideration as soon as possible.●

● Mr. GORE. Mr. President, anyone who has heard the stories of truckers hauling garbage or hazardous chemicals in one direction and then loading the same trucks and tankers with food—without necessarily washing them first—has to respond with outrage and disgust. That's how I responded and that's why, several months ago, I introduced S. 1904, the Clean Food Transportation Act.

After long hours of hard work and consideration on the part of all interested parties, I am now pleased to join my colleagues, Senator EXON and Senator GORTON of the Senate Committee on Commerce, Science, and Transportation, in introducing an improved bill which I believe is a more thorough and a more targeted measure aimed at reducing the horrible practice of backhauling. Just last week, the House passed a backhauling bill with overwhelming support. I am optimistic that this bill, which includes the best of all legislative efforts, will move quickly for final passage. No one will have reason to be afraid their food is contaminated simply because our laws do not specifically prohibit practices we know will create health risks.

Members of my staff have actually spoken with truckers in Tennessee who know all about the disgusting practice of backhauling. The problem is, they're afraid to share their stories publicly, afraid their candor will cost them their jobs.

We may never know, in quantifiable terms, the full extent of this problem in our country. Fear of retribution, of lost paychecks and lost jobs, along with embarrassment shared by several of the industries involved, will prevent us from ever knowing that. But that cannot stop us from letting the American people know that Congress responded quickly and effectively to address this problem, that Congress acted to ensure that dangerous backhauling is not permitted to any extent and will not endanger any consumer.

We must examine the role deregulation has played in backhauling—considering, for example, the truckers' problem of finding return shipments after off-loading food shipments—and the need for decontamination procedures which currently are unregulated. And, we must take a close look at a broader issue: our rapidly diminishing landfills. It's because we're running out of landfill space in community after community that some unscrupulous truckers are carrying trash in vehicles meant for food and traveling to landfill space in the Midwest.

However, explanations for backhauling cannot become excuses for our inaction. There is no reason good enough to justify the contamination of the food we eat, the food we serve our families. Action must be taken that considers these issues but which focuses on solutions and on stopping the backhauling.

I am pleased that the Exon, Gore, Gorton bill, the Safe Food Transportation Act, includes the provision of my bill which would involve the participation of the Motor Carrier Safety Assistance Program inspectors in enforcing the decontamination requirements. Hopefully, these inspectors will be able to help stop drivers who falsify shipping documents by stating that the previous loads were food grade, drivers like those who testified before House Committees this summer. The bill requires DOT rulemaking to make sure drivers and shippers verify that appropriate records and markings are maintained regarding food-carrying vehicles. However, no regulations are useful if they cannot be enforced.

The Exon, Gore, Gorton bill also makes great strides to end backhauling of garbage by defining what we know as trash in a way that especially targets the problem at hand. Moreover, the bill expands the scope of backhauling legislation by including rails and dry vans in the categories of food carrying vehicles that should be regulated.

By mobilizing the forces of States and Federal officials that have been represented in the Senate committee hearing a few weeks ago and in subsequent discussions on this issue, I know we can protect consumers from the objectionable practices of backhauling.

In one news report, a trucker who listened to his conscience and was eventually fired because he revealed the backhauling practices of his company was quoted as saying, "If something ends up getting poisoned from a contaminated load, well, I've tried. It's off me now." It's on our shoulders. It's our responsibility. I am pleased that we have not let the sacrifice of this trucker be wasted.●

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. CRANSTON, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 16, a bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage-setting practices and discriminatory wage disparities which are based on sex, race, or national origin.

S. 567

At the request of Mr. BOREN the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 567, a bill to amend the Internal Revenue Code of 1986 to allow income from the sale of certain used automobiles to be computed on the installment sales method, and for other purposes.

S. 720

At the request of Mr. BOREN, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 720, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit, and for other purposes.

S. 1165

At the request of Mr. GLENN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1165, a bill to provide for fair employment practices in the Senate and the House of Representatives.

S. 1273

At the request of Mr. BOREN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1273, a bill to amend the Internal Revenue Code of 1986 with respect to treatment by cooperatives of gains or losses from sale of certain assets.

S. 1349

At the request of Mr. PRYOR, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from North Carolina [Mr. HELMS], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 1349, a bill to amend the Internal Revenue Code of 1986 to exclude small transactions and to make certain clarifications relating to broker reporting requirements.

S. 1624

At the request of Mr. THURMOND, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 1624, a bill to grant a Federal charter to the National Association of Women Veterans, Inc.

S. 1629

At the request of Mr. SPECTER, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1629, a bill to establish clearly a Federal right of action by aliens and U.S. citizens against persons engaging in torture or extrajudicial killings, and for other purposes.

S. 1758

At the request of Mr. GLENN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1758, a bill to provide for the establishment of an Office for Small Government Advocacy, and for other purposes.

S. 2039

At the request of Mr. COCHRAN, the names of the Senator from Massachusetts [Mr. KERRY], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 2039, a bill to improve the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms.

S. 2048

At the request of Mr. SARBANES, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. MOYNIHAN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 2048, a bill to provide for cost-of-living adjustments in 1991 under certain Government retirement programs.

S. 2177

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2177, a bill to improve the collection and dissemination of information relating to the supply of winter heating fuels, and for other purposes.

S. 2212

At the request of Mr. ROTH, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 2212, a bill to minimize the adverse effects on local communities caused by the closure of military installations.

S. 2229

At the request of Mr. DODD, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 2229, a bill to reauthorize the Head Start Act for fiscal years 1991 through 1994, and for other purposes.

S. 2240

At the request of Mr. KENNEDY, the names of the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Florida [Mr. GRAHAM], the Senator from Oregon [Mr. PACKWOOD], the Senator from Colorado [Mr. WIRTH], the Senator from North Dakota [Mr. BURDICK], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 2240, a bill to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes.

S. 2302

At the request of Mr. BOND, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 2302, a bill to amend the Food Security Act of 1985 to revise and extend conservation programs under title XII, and for other purposes.

S. 2341

At the request of Mr. WILSON, the names of the Senator from Alabama [Mr. HEFLIN], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 2341, a bill to amend the Food Security Act of 1985 to authorize the targeted export assistance program, and for other purposes.

S. 2342

At the request of Mr. HATCH, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 2342, a bill to amend the Public Health Service Act to authorize additional grants for home health care demonstration projects, to require that applications be submitted to the chief executive officer of the State concerned in connection with such grants, and for other purposes.

S. 2347

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 2347, a bill to provide essential air service to small communities, and for other purposes.

S. 2362

At the request of Mr. JOHNSTON, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2362, a bill to enhance the survivability and recovery of the Insular Areas from severe storms.

SENATE JOINT RESOLUTION 224

At the request of Mr. BYRD, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Joint Resolution 224, a joint resolution to designate the month of May 1990 as "National Trauma Awareness Month."

SENATE JOINT RESOLUTION 242

At the request of Mr. THURMOND, the names of the Senator from Georgia [Mr. FOWLER], the Senator from Virginia [Mr. ROBB], the Senator from Virginia [Mr. WARNER], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Joint Resolution 242, a joint resolution designating the week of April 22 through April 28, 1990, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. BOSCHWITZ, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of Senate Joint Resolution 246, a joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

SENATE JOINT RESOLUTION 248

At the request of Mr. BOSCHWITZ, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 248, a joint resolution to designate the month of September 1990 as "International Visitor's Month."

SENATE JOINT RESOLUTION 252

At the request of Mr. BENTSEN, the names of the Senator from Mississippi

[Mr. COCHRAN] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 252, a joint resolution designating the week of April 15, 1990, through April 21, 1990, as "National Minority Cancer Awareness Week."

SENATE JOINT RESOLUTION 267

At the request of Mr. THURMOND, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Virginia [Mr. WARNER], the Senator from Alabama [Mr. SHELBY], the Senator from Indiana [Mr. COATS], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 267, a joint resolution to authorize and request the President to designate May 1990 as "National Physical Fitness and Sports Month."

SENATE JOINT RESOLUTION 268

At the request of Mr. BRADLEY, the names of the Senator from Washington [Mr. ADAMS], the Senator from Texas [Mr. BENTSEN], the Senator from Delaware [Mr. BIDEN], the Senator from North Dakota [Mr. BURDICK], the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mr. CRANSTON], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE], the Senator from Florida [Mr. GRAHAM], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Maryland [Ms. MIKULSKI], the Senator from Georgia [Mr. NUNN], the Senator from Rhode Island [Mr. PELL], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], the Senator from Illinois [Mr. SIMON], the Senator from Maine [Mr. MITCHELL], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New York [Mr. MOYNIHAN], the Senator from Tennessee [Mr. SASSER], the Senator from Colorado [Mr. WIRTH], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Washington [Mr. GORTON], the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Indiana [Mr. LUGAR], the Senator from Idaho [Mr. MCCLURE], the Senator from Oregon [Mr. PACKWOOD], the Senator from Delaware [Mr. ROTH], the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. WALLOP], the Senator from Virginia [Mr. WARNER], the Senator from California [Mr. WILSON], and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Joint Resolution 268, a joint resolution to designate April 6, 1990, as "National Student-Athlete Day."

SENATE JOINT RESOLUTION 276

At the request of Mr. LIEBERMAN, the names of the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 276, a joint resolution designating the week beginning July 22, 1990, as "Lyme Disease Awareness Week."

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. GRAHAM, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Concurrent Resolution 88, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued in honor of Claude Denson Pepper.

SENATE RESOLUTION 263

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of Senate Resolution 263, a resolution to express the sense of the Senate regarding all modes of transportation and maintaining a significant Federal role.

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

PRESSLER (AND OTHERS) AMENDMENT NO. 1426

Mr. PRESSLER (for himself, Mr. ARMSTRONG, and Mr. BREAUX) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, as follows:

At the appropriate place insert the following new section:

Any person who enters into a contract under which such person receives hydroelectric energy in return for the provision of electric energy by such person shall use allowances held by such person as necessary to satisfy such person's obligations under such contract.

A Federal Power Marketing Administration shall not be subject to the provisions and requirements of this title with respect to electric energy generated by hydroelectric facilities and marketed by such Power Marketing Administration shall comply with the provisions and requirements of this title.

HATCH (AND OTHERS) AMENDMENT NO. 1427

Mr. CHAFEE (for Mr. HATCH (for himself, Mr. GARN, Mr. SYMMS, Mr. REID, Mr. MCCLURE, Mr. SIMPSON, Mr. BURNS, Mr. BRYAN, Mr. ARMSTRONG, and Mr. WALLOP) proposed an amendment to Amendment No. 1293 (in the nature of a substitute) prepared by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

on page 135 after line 22 add the following new subsection:

(d) Section 163(c) of the Clean Air Act is amended by—

(1) replacing the comma and "and" at the end of subparagraph (D) with a period;

(2) replacing the period at the end of subparagraph (E) with a comma and "and" and

(3) adding a new subparagraph (F) to read as follows:

"(F) except for purposes of determining compliance with the maximum allowable increases in ambient concentrations in any area designated as class I under this part, concentrations of particulate matter attributable to the increase in fugitive emissions resulting directly or indirectly from hardrock and noncoal mining."

STEVENS (AND MURKOWSKI) AMENDMENT NO. 1428

Mr. STEVENS (for himself and Mr. MURKOWSKI) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Amendment 1293 is amended by inserting the following new sentence at the end of line 13 on page 529:

"For the purposes of this section, the phrase 'national security interests of the United States' shall be deemed to include domestic production of crude oil and natural gas energy supplies on the North Slope of Alaska.".

WARNER (AND OTHERS) AMENDMENT NO. 1429

Mr. WARNER (for himself, Mr. NUNN, Mr. EXON, and Mr. BREAUX) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Add a new subpart (f) to section 173 of the Act (as amended by the Mitchell-Dole compromise):

(f) The permitting authority of a State or political subdivision shall allow a source to offset by alternative or innovative means emission increases from rocket engine and motor firing, and cleaning related to such firing, at an existing or modified major source that tests rocket engines or motors under the following conditions:

(1) any modification proposed is solely for the purpose of expanding the testing of rocket engines or motors at an existing source that is currently permited to test such engines;

(2) the source demonstrates to the satisfaction of the permitting authority of the State or political subdivision that it has used all reasonable means to obtain offsets, as determined on an annual basis, for the emissions increases beyond permitted levels, that all available offsets are being used, and that sufficient offsets are not available to the source;

(3) the source has obtained a finding from the Department of Defense, Department of Transportation, National Aeronautics and Space Administration or other appropriate federal agency, that the testing of rocket motors or engines at the facility is required for a program essential to the national interest; and

(4) the source will comply with an alternative measure, imposed by the permitting authority, designed to offset any emission increases beyond permitted levels not directly offset by the source. In lieu of imposing any alternative offset measures, the permitting authority may impose an emissions fee, which shall be an amount no greater than 1.5 times the average cost of stationary source control measures adopted in that area during the previous three years. The permitting authority shall utilize the fees in a manner that maximizes the emissions reductions in that area.

DURENBERGER AMENDMENT NO. 1430

Mr. DURENBERGER proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 143, at the last line of the table, strike:

"Heavy duty buses, 1991 and after ..... 0.1 gbh."

and insert in lieu thereof:

"Heavy duty buses, 1992 and after ..... 0.1 gbh.".

On page 218, line 13, insert "(1)" after "(e)".

On page 218, line 20, strike "1994" and insert in lieu thereof "1997".

On page 218, line 26, strike "paragraph" and insert in lieu thereof "subsection".

On page 219, line 1, strike "1994" and insert in lieu thereof "1997".

On page 219, line 1, after "as follows" insert the following: "(A) for metropolitan statistical areas or consolidated metropolitan statistical areas with a population of one million five hundred thousand persons or more,".

On page 219, line 7, after "later model years" insert the following: "; and (B) for metropolitan statistical areas or consolidated metropolitan statistical areas with a population of less than one million five hundred thousand persons but more than one million persons, 10 per centum of new urban buses purchased or placed into service in model year 1993; 25 per centum of new urban buses purchased or placed into service in model year 1995; 60 per centum of new urban buses purchased or placed into service in 1996; and 100 per centum of new urban buses purchased or placed into service in 1997 and later model years".

On page 219, line 9, strike "paragraph" and insert in lieu thereof "subsection".

On page 219, line 10, insert the following:

"(2) Not later than twelve months after the date of enactment of the Clean Air Act Amendments of 1990, the Administrator shall promulgate regulations requiring that, beginning January 1, 1992, any urban bus operating in any area specified in paragraph (1) shall, at the time of any major engine overhaul, be retrofitted so as to comply with the emissions standards under section 202(a) applicable for model years 1992 and after to new urban buses.".

McCLURE (AND CONRAD) AMENDMENT NO. 1431

Mr. McCLURE (for himself and Mr. CONRAD) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 449, after line 19, insert the following new section:

"CERTIFICATION OF EQUIVALENT ACID RAIN CONTROLS

"SEC. 416. (a) IMPORTS OF ELECTRICITY.—Except for imports of electricity pursuant to contracts entered into prior to the effective date of the Clean Air Act Amendments of 1990, after January 1, 1994, it shall be unlawful for any person to import electricity, unless the Administrator, in consultation with the Secretary and the Secretary of Energy, has published a decision, after notice and opportunity for public comment, certifying, in accordance with subsection (b) that the nation from which such electricity is imported has established and is implementing a national program of emission requirements and controls on existing and new steam-electric utility units on a schedule and in a manner that is at least as stringent as the compliance schedules for and limitations on emissions under this Act and the Clean Air Act for similar utility units in the United States, except for import of electricity under subsection (c).

"(b) CERTIFICATION OF NATIONAL PROGRAM.—The Administrator shall not certify any national program or utility unit under subsection (a) unless it is determined that—

"(1) the nation has adopted legislation or regulations which give the emissions reductions and control schedules for each pollutant the force of law and is implementing such program; and

"(2) the legislation or regulations include performance standards, reporting requirements and enforcement provisions no less stringent than those specified under this Act and the Clean Air Act, and that the information contained in such reports is available to the Administrator and the Secretary upon request.

"(c) CERTIFICATION OF UTILITY FACILITIES.—Unless imports of electricity are from a nation certified under subsection (b), after January 1, 1994, it shall be unlawful for any person to import electricity, unless the Administrator, in consultation with the Secretary and the Secretary of Energy, has published a decision, after notice and opportunity for public comment, certifying that—

"(1) the electricity to be imported is exclusively from an identified utility unit that converts nuclear fuel or renewable energy resources to electricity; or

"(2)(A) the utility unit is subject to emissions limitations at least as stringent as those specified under this Act and the Clean Air Act; and

"(B) the utility unit will meet emissions monitoring, inspection and reporting requirements at least as stringent as those specified under this Act and the Clean Air Act, and that the information contained in such reports is available to the Administrator and the Secretary upon request.

"(d) REVOCATION.—At least biennially, the Administrator, in consultation with the Secretary and the Secretary of Energy, shall review each certification made under this section and shall revoke the certification, after notice and opportunity for public comment, unless it is determined that the conditions of this section remain satisfied and for a national program under subsections (b), that the emissions reductions for each pollutant are occurring substantially on schedule in such nation. Revocation shall take effect one hundred eighty days after notice of the revocation has been published.

"(e) SUPPLEMENTARY REPORT.—The reports required by the Administrator pursuant to section (see amendment 1303, adopted March 6th) shall include an analysis by the Administrator, in consultation with the Secretary and the Secretary of Energy, of the differences in emission control levels of sulfur dioxide and nitrogen oxides between Canada and the United States. The report shall include a (1) detailed analysis of the actual of projected variable costs and fixed coss associated with United States and Canadian acid rain controls among fossil-fired generation units within interconnected and competitive regions and (2) an examination, with relevant supporting cost data, of the effect of differences in such controls on energy trade.

"(f) As used in this section, the term—

"(1) 'Administrator'; means the Administrator of the Environmental Protection Agency;

"(2) 'fossil fuel' means a naturally occurring organic fuel, including coal, crude oil, and natural gas or fuel derived therefrom;

"(3) 'import' means to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs or trade laws of the United States:

"(4) 'person' means an individual, corporation (including a government corporation), partnership, firm, joint stock company, trust, association, or any other entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof (including any interstate body), or of any foreign government (including any international instrumentality);

"(5) 'renewable energy resources' means primary sources of energy that are essentially inexhaustible including biomass, geothermal, wind, falling water, and solar radiation; and

"(6) 'Secretary' means the Secretary of State.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 1432

Mr. MURKOWSKI (for himself, Mr. CONRAD, Mr. WALLOP, Mr. NICKLES, and Mr. SIMPSON) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 390, line 7, after "boiler" insert "or feedstock".

On page 390, line 12, after "other" insert "combustion, precombustion, or post combustion".

On page 391, line 25, strike "of" and insert in lieu thereof "providing".

On page 392, line 2 and 3, strike "use of fuels" and insert in lieu thereof "fuels used at the time of submission of a proposal pursuant to section 404(d)(2)".

STEVENS (AND MURKOWSKI) AMENDMENT NO. 1433

Mr. STEVENS (for himself and Mr. MURKOWSKI) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 217, section 217 of Amendment 1293 is amended by: (a) redesignating subsection (4) as subsection (5) and; (b) adding a new subseciton (4) as follows:

"(4) The Administrator may waive in whole or in part the requirements of this subsection in any carbon monoxide nonattainment area in Alaska if the Administrator finds that prevailing temperatures in that area cause engine or fuel system malfunctions in vehicles using fuels meeting such requirements. The Administrator shall conduct a study to determine the effect of cold temperatures on fuels which meet the oxygen content requirements of this subsection and the feasibility of using such fuels during periods of sustained cold temperatures."

WILSON AMENDMENT NOS. 1434 AND 1435

Mr. DURENBERGER (for Mr. WILSON) proposed two amendments to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

AMENDMENT No. 1434

On page 81 of the amendment, between lines 17 and 18, insert the following new paragraph:

"(3) An implementation plan for an extreme area revised in compliance with this section may include measures providing economic incentives and disincentives, such as differential emission fees, marketable permits, road use and congestion fees, and emission charges, in combination with or as a supplement to regulatory requirements.

AMENDMENT No. 1435

On page 57 of the amendment, between lines 19 and 20, insert the following new sentence:

"With regard to subparagraphs (A), (B), and (C) of paragraph (2), the requirements of such subparagraphs shall comprise the statutory criteria for making transportation project conformity determinations under this Act.

ARMSTRONG (AND WIRTH) AMENDMENT NO. 1436

(Ordered to lie on the table.)

Mr. ARMSTRONG (for himself and Mr. WIRTH) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 209, Add a new subsection 211(e), as follows:

(e) ESTABLISHMENT OF A HIGH-ALTITUDE RESEARCH CENTER.—Section 103 of the Clean Air Act is amended by adding at the end thereof the following new subsection:

"( ) The Administrator shall designate at least one center at high-altitude conditions to provide research on after-market emission components, dual-fueled vehicles and conversion kits, the effects of tampering on emissions equipment, testing of alternative fuels and conversion kits, and the development of curricula, training courses and materials to maximize the effectiveness of inspection and maintenance programs as they relate to promoting effective control of vehicle emissions at high-altitude elevations. Preference shall be given to existing vehicle emissions testing and research centers that have established reputations for vehicle emissions research and development and training, and that possess in-house Federal Test Procedure capacity.

DECONCINI (AND MCCAIN) AMENDMENT NO. 1437

Mr. MITCHELL (for Mr. DECONCINI, for himself, and Mr. MCCAIN) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 27 of the amendment, strike lines 1 through 6 and insert the following:

"(e) PLAN REVISIONS.—(1) Each revision to an implementation plan submitted by a State under this Act shall be adopted by the State after reasonable notice and public hearing. The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement of this Act.

"(2)(A) Except as provided in subparagraph (B), each State that contains a nonattainment area shall rally implement all provisions of any implementation plan for such area that has been approved by the Administrator, in accordance with the schedules contained in the plan.

"(B) The State shall not relax a provision or schedule described in subparagraph (A) unless the Administrator has approved an alternative control measure pursuant to paragraph (3) of this subsection relating to such provision or schedule.

"(3) Nothing in this Act shall prohibit a State that contains a nonattainment area from revising the implementation plan of such State for such area to substitute an alternative control measure for a control measure in effect at the time of such revision (hereinafter referred to as an 'existing control measure'), if the State convincingly demonstrates, to the satisfaction of the Administrator, that the existing control measure is not otherwise required under this Act or under guidelines or regulations issued or promulgated by the Administrator and the alternative control measure—

(A) is not included in the implementation plan to be revised;

(B) is not otherwise required by this Act:

(C) will provide a degree of emissions control that is equal to or greater than the degree of emissions control that the full implementation of the existing control measure would provide; and

(D) will provide such degree of emissions control as expeditiously as would the full implementation of the existing control measure.

"(4) If the Administrator determines, after reasonable notice and public comment, that—

"(A) the State described in paragraph (3) has made a convincing demonstration required under such paragraph; and

"(B) the proposed revision to the implementation plan of the State meets the requirements of paragraph (1), the Administrator shall approve such revision.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Monday, April 2, 1990, at 4 p.m. to hold a hearing on the nomination of Henry Cauthen (SC) and Lloyd Kaiser (PA) to be members of the Board of Directors of the Corporation for Public Broadcasting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Armed Services Committee be authorized to meet in open session on Monday, April 2, 1990, at 2 p.m. to receive testimony on defense manufacturing technology and quality assurance programs in review of S. 2171, the Department of Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RALPH AND RUTH MORRIS, PUBLIC SERVANTS

● Mr. DASCHLE. Mr. President, in Washington there may be many, but in South Dakota there is only one first couple of the labor movement.

Ralph and Ruth Morris have earned their informal title through 59 years of marriage, to one another and to the men and women of organized labor.

Now in his 80th year, Ralph Morris steps down as president of the Sioux Falls Trades and Labor Assembly. But, after more than a quarter century of service in that post, and a half century of untiring work for labor and for the Democratic Party, every South Dakotan knows the Morrises will never step down from caring.

I am proud to pay tribute to Ralph and Ruth Morris today. I am proud to join the city of Sioux Falls, the State of South Dakota, the NAACP, the AFL-CIO, the Sioux Falls Argus Leader, KELO-LAND TV and so many, many others who have given

Ralph and Ruth the recognition and praise they have truly earned.

Their lives are proof of the variety and richness of the tradition of public service in this Nation.

Ask them and I know they will tell you that fighting for the working families, whose hurts and needs they feel so keenly, has enriched their own lives as well.

You can see it in Ralph's feisty caring and Ruth's quiet smile. Their fight has kept them young. Their cause has kept them strong. By serving more than just themselves, by devoting two lifetimes to the well being of others, Ralph and Ruth Morris have lived a lesson we should all study well.

Instead of staring as a nation at the Trumps and billionaire tricksters of America, those who seek truly fulfilling lives ought turn their gaze on Ralph and Ruth Morris of Sioux Falls, SD. To see them clearly is to understand why serving more than just ones self is actually to serve ones self as well.

Mr. President, I am proud to call Ralph and Ruth my friends.●

THE RENAISSANCE PROGRAM: AN EXAMPLE OF PARTNERS IN EDUCATION

● Mr. DURENBERGER. Mr. President, last week, several Minnesota secondary school principals gathered to discuss the possibility of enhancing education through the use of a new program called Renaissance. The Renaissance Program is an example of how students, teachers, parents, businesses, and the community can come together to improve education.

Jostens, Inc., created the program and is the main sponsor. Jostens helps schools initiate their programs, serves as a resource for ideas and coordinates the Renaissance network so educators can learn from one another.

Renaissance is a national network of educators sharing ideas that promote and achieve excellence. It is founded on three basic principles: First, that you reward and recognize behavior you value with incentives that have value; Second, that the entire community gains when our students achieve, thus the entire community must be involved, including: parents, teachers, business leaders and students themselves; and third, that the program must be flexible enough to adapt to the differing needs of different school districts.

Schools under the Renaissance Program promote academic values by developing a program that rewards achievement. One of the most adapted ideas draws on the idea first developed in Conway, SC, that establishes a card privilege system. Students who reach a certain grade point receive special privileges like free reserved parking, free admission to athletic events, or discounts at the school bookstore. The local community can get involved by offering discounts from local merchants, free tickets to sporting or cultural events, donating T-shirts or other merchandise. Some schools have incorporated family involvement by offering family discounts like a 10-percent reduction on the phone bill. The beauty of this program is that different schools offer different privileges depending on resources and needs. Some reward "A" students, some reward "A and B" students and others offer rewards based on increases in individual GPA's.

Jostens had found that communities have an economic interest in the well-being of their schools. If a school does well, the community does well. But it also found that many businesses have not gotten involved because they either do not know how or they have not been asked. The success of the Renaissance Program is that it has gotten the entire community involved.

Jostens has sponsored over 20 State conferences, similar to the Minnesota Conference last week, and two national conferences. In the 2 years since Jostens has promoted this program over 400 schools have attended a conference, and over 200 schools have begun to incorporate Renaissance ideas into their schools. In my own State, two school districts, White Bear Lake and Alexandria, have adopted the Renaissance technique.

The success, even in this short time, has been exceptional. Dropout retention at MacArthur High School in Oklahoma reduced by 50 percent. Willow Run High School reduced its suspension rate by 54 percent. In Dardanelle High School in Arkansas the number of A and B students rose from 30 percent to 40 percent while the number of failing grades lowered from 30 to 24 percent.

If we are going to improve education in America it will take a system of cooperation between the private and public sectors. The Jostens Renaissance Program is an example of how private involvement in education can work.●

LEONARD AND WANDA SLOTKOWSKI

● Mr. DIXON. Mr. President, last Thursday, two constituents from my State left for Poland as part of the United States Agency for International Development's Volunteers in Overseas Cooperative Assistance [VOCA] Program. Leonard and Wanda Slotkowski, of Glen Ellyn, IL, who for 50 years have been making some of the best Polish sausage, liverwurst, and Polish hams you have ever tasted, are now pioneers in the United States efforts to share their expertise with the Poles.

The Slotkowski's operated Slotkowski's Sausage Co., for five decades, and recently retired. Now, as part of the VOCA's Farmer-to-Farmer Program, they will go to Poland to determine the feasibility of establishing small-scale meat processing operations, perhaps to include the participation of United States partners in a joint venture.

The business of America is business, as the saying goes. The Government and people of Poland are working hard to make that saying applicable to them, as well. Then who better to represent our system than the Slotkowski's? Leonard and Wanda are people who represent what is best about the United States. They know their industry inside and out because they started small, worked hard, made a good product, sold it at a competitive price, and paid their employees fairly.

Leonard and Wanda knew that to be successful in business, one has to work harder than the competition; get up early, stay up late, and keep a critical eye on the bottom line. They and their children worked days and nights making fine products that graced many a table in the Chicagoland area.

Their business acumen will be invaluable to the Poles. Through their efforts, Poles will learn about the free market system, about efficient distribution systems, and effective marketing systems.

The Slotkowski's will serve, in effect, as economic pioneers. As Poland seeks to wrench its economy out of the inefficient, Communist system imposed on it over 40 years ago, they need the technical and commercial assistance that people such as the Slotkowski's can provide.

Mr. President, I congratulate Leonard and Wanda Slotkowski on their upcoming mission, and thank them for their contribution to the democratization of Poland. We can be proud of the Slotkowski's and all Americans who are giving their time and expertise toward the development of the emerging democracies.

I thank my colleagues.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign

country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Ms. Allison Barnes, a member of the staff of Senator HEINZ, to participate in a program in Bologna, Italy, sponsored by the German Marshall Fund, from April 13 to 23, 1990.

The committee has determined that participation by Ms. Barnes in the program in Italy, at the expense of the German Marshall Fund, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Edward Edens, a member of the staff of Senator WARNER, to participate in a program in Iraq, sponsored by the NAAA Foundation, from March 14 to 19, 1990.

The committee has determined that participation by Mr. Edens in the program in Iraq, at the expense of the NAAA Foundation and the Union of Arab Historians, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Michael Zarin, a member of the staff of Senator DURENBERGER, to participate in a program in Iraq, sponsored by the NAAA Foundation—a privately supported domestic institution—and by the Union of Arab Historians—a privately supported foreign institution—from March 15 to 19, 1990.

The committee has determined that participation by Mr. Zarin in the program in Iraq, at the expense of the NAAA Foundation and the Union of Arab Historians, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Senator ROTH to participate in a program in Portugal, sponsored by the Wilson Center, the Tinker Foundation, the Calouste Gulbenkian Foundation, and the Luso-American Development Foundation, from March 24 to 26, 1990.

The committee has determined that participation by Senator ROTH in the program in Portugal, at the expense of the Wilson Center, the Tinker Foundation, the Calouste Gulbenkian Foundation, and the Luso-American Development Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for James Lee Price, a member of the staff of the Joint Economic Committee, to participate in a program in Brazil, sponsored by the Regional Council of Sao Paulo, the United States Information Agency [USIA], the Secretary of Science, Technology and Economic Development, the Secretary of Economic Planning of the State of Sao Paulo, BANESPA—Bank of the State of Sao Paulo and the United States Department of State, from March 25 to 30, 1990.

The committee has determined that participation by Ms. Murray in the program in Brazil, at the expense of United States Department of State, the Regional Economic Council of Sao Paulo, and USIA, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Wallace J. Henderson, a member of the staff of Senator BREAUX, to participate in a program in Iraq, sponsored by the NAAA Foundation, from March 14 to 30, 1990.

The committee has determined that participation by Mr. Henderson in the program in Iraq, at the expense of NAAA Foundation and the Union of Arab Historians, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Senator FOWLER and Steve Humphreys, a member of his staff, to participate in a program in Iraq, sponsored by the NAAA Foundation, from March 14 to 30, 1990.

The committee has determined that participation by Senator FOWLER and Steve HUMPHREYS in the program in Iraq, at the expense of NAAA Foundation and the Union of Arab Historians, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Timothy S. Bergreen, a member of the staff of Senator BREAUX to participate in a program in Iraq, sponsored by the NAAA Foundation, from March 14 to 30, 1990.

The committee has determined that participation by Mr. Bergreen in the program in Iraq, at the expense of NAAA Foundation and the Union of Arab Historians, is in the interest of the Senate and the United States.●

STRENGTHENED BY VICTORY—UNDAUNTED BY DEFEAT

● Mr. DURENBERGER. Mr. President, young people looking for a role model in public service need look no further than the career of Al Loehr, the former mayor of St. Cloud, MN. I am proud to pay tribute to Al before my colleagues, in recognition of his retirement from administration, policy, and politics.

Al is just a few years older than I, and grew up not too many miles from my home. He has woven a blanket of experience that stands the test of time, for today, Al has as many, if not more, friends than when he first entered the political arena, 25 years ago. It is true though that a commitment from, or compromise offered by Al Loehr, under any conditions, has always been looked on as first class.

This winter I ran across a profile of Al written up in the St. Cloud Daily Times. At this time, I ask that it be submitted to the RECORD, as recognition of a career built on earnest public policy and municipal growth, blended well with a sense of humor and gentleness we now know as a rare quality.

Though Al and I have technically always been on "different sides of the aisle" I would like to take this opportunity to compliment him on his lifelong commitment to good government, and to the people of St. Cloud and Minnesota. This winter has been a particularly mild one in Minnesota, and I am sure Al is thinking right now of the cabin on Grand Lake, the warm breezes and big fish—the pleasures that come with early retirement.

Mr. President, please insert for the RECORD the following article as it appeared in the St. Cloud Daily Times.

The article follows:

[From the St. Cloud Times, Jan. 12, 1990]

PUBLIC SERVICE HALLMARK OF LOEHR CAREER

(By Bill McAllister)

Al Loehr's quarter century in public life didn't leave him unbloodied, but it did leave him unbowed.

When he retired last week as a state Senate aide, Loehr, 62, left the state Capitol feeling he had been true to his principles of hard work, honesty, frugality and public service. He summed it all up as "a great privilege."

And he retires with the administration not only of friends, but also of many one-time adversaries.

True, there were as many defeats as victories for Loehr, a big, intense man with an authoritative voice.

He won three terms as mayor of St. Cloud, but he was unceremoniously dumped in 1980 by political newcomer Sam Huston.

He was state commander of the Veterans of Foreign Wars and state veterans affairs commissioner, but he narrowly missed a chance to head the U.S. Veterans Administration under President Jimmy Carter.

He was president of the Minnesota League of Cities. But he was soundly defeated in his two bids for the Legislature and his one race for state auditor.

"The whole magic of public office is being in the right place at the right time," he said recently.

Through it all, the call to public service kept summoning Loehr.

"He's a true person to work for the public," said Huston, who recently retired after nearly matching Loehr's 10 years as major. "I don't think there's self-interest at all."

In 1984, Rep. Dave Gruenes, IR-St. Cloud, thumped Loehr in the state House race. "I think his whole career has been one where people have been put first and service to people has been put first," Gruenes said recently. "Al was a perfect example of a public servant—In the highest sense."

Gov. Rudy Perpich declared Dec. 21 "Al Loehr Day in honor of Loehr's then-pending retirement as administrative aide to the Senate Local and Urban Affairs Committee.

Loehr grew up in the city's 3rd Ward, which in his youth was distinctly poor and blue collar. His father was a stone cutter during the period when granite was the city's predominant industry.

"I've always had a great deal of compassion for people who basically felt helpless," he said.

Loehr went into the Navy during the final year of World War II, working as a storekeeper 3rd class on the U.S.S. Calvert, a troop transport ship in the South Pacific. That experience eventually led to his political career.

He joined the American Legion after the war ended in 1945 and then the Veterans of Foreign Wars 10 years later.

"I had to be active," he said.

As he became aware of deficiencies in the veterans benefit system, he took on more and more responsibility within the VFW, finally becoming state commander in 1962.

In 1964, the St. Cloud area's young Liberal senator, Raymond Bares, was killed in a car accident, along with his wife and child. Loehr, a Liberal and Harry Truman fan who was the DFL field man in the St. Cloud area, ran for the open seat against Keith Hughes, a young Conservative attorney. But he lost his first public electoral contest. The race was before the era of partisan designation in legislative races, but Liberals were known to be DFLers and Conservatives generally were known to be Republicans.

"It was a clean race," he said. "Keith Hughes was a fine, effective, productive senator for St Cloud."

The race yielded an anecdote that is popular with some political insiders:

Loehr went to campaign at the Great Northern Railroad, where he had worked for 17 years as an electric welder after leaving the Navy.

But a foreman named Al Ringsmuth had Loehr ejected from the grounds. Ringsmuth, the Republican mayor of Waite Park, later sparred with Loehr when Loehr became mayor of St. Cloud.

Loehr said Ringsmuth, well-known for a combustible personality, was just a-rippin' an' a-snortin' " when he approached Loehr, and "I sensed it immediately—that something was going to happen."

Ringsmuth, who still is mayor, said: "He was a little bitter at the time, but I think that ironed out all right."

Ringsmuth and Loehr were classmates at Cathedral High School. Whatever public differences they later had, the two mayors got along well personally as mayors of adjoining cities, Ringsmuth said.

Loehr won an appointive post in 1965, when Gov. Karl Rolvaag chose him to be state veterans affairs commissioner.

Loehr said one of his biggest accomplishments was making state biggest accomplishments was making state benefits available to a group of veterans who "fell through the cracks"—those who served after World War II but before the Korean War.

He also designed the bonus for Vietnam-era veterans that became a state constitutional amendment in 1972, three years after he had left the commissioner's post. Voters approved the amendment by the greatest margin given a constitutional amendment, he said.

Rolvaag had been defeated by Republican Harold LeVander in 1966. After that, Loehr wasn't sure if he would be reappointed, despite encouragement by LeVander's chief of staff, Dave Durenberger. LeVander was defeated in 1970 by Wendell Anderson.

So when his term was up, Loehr accepted a job as emergency services director for Stearns County, in which he developed disaster response plans.

Meanwhile, St. Cloud Mayor Ed Henry was becoming engulfed in a fight between the city and St. Cloud Township over annexation. Loehr said.

Also controversial was the moving of the city's baseball field from the former Rox Park, now site of the ShopKo store in the Westgate Mall, to the current Municipal Arena site. Meatpacker Max Landy was having a feud with the city, urban renewal programs were under attack and some business operators were vehemently opposed to plans for a downtown mall and "ring" road.

Henry suddenly resigned and soon afterward took a college presidency in Indiana.

Loehr said he found himself being recruited by both Democrats and Republicans to run in the special election. He defeated Councilman-At-Large Dave Sauer by 568 votes to fill out the 17 months left in Henry's term.

Loehr said he was hurt by the perception of his being a "regal" mayor.

"I was very sensitive about that," he said. "To this day, I don't understand that. I had an open-door policy. Anybody and everybody could see the mayor. I had the media in every morning. I prided myself on knowing what was going on in the city."

He said he probably took things too seriously, however.

Part of the perception problem also might have been Loehr's habit of saying "we" or "Al Loehr" when he meant "I."

That was another misunderstanding because he was just trying to credit his family and his supporters for his success, he said.

"I don't like that word, 'I,' " he said. "The word 'I' sounds arrogant—like you can do everything as an individual. And you can't. At times, I think I was the most misunderstood person in the world."

Loehr went about implementing the mall and ring road, which sharply divided opinion in the city.

Today he stands by those decisions, although he said he's "really disappointed" that downtown business operators generally didn't spruce up their storefronts enough to make the mall work. He said he expected there eventually would be two-way traffic on parts of the ring road, a development that took place a few years after he left office.

Loehr's re-election campaign in 1972 was against Phyllis Janey, who he recalled as being an outspoken human rights advocate. He won by 4-1.

At this point, he felt good about the job. "We proved we could operate city government in a frugal manner," he said.

So in 1974, in the middle of his first full four-year mayoral term, he won the DFL endorsement to run for state auditor.

"I just felt I could make a good contribution to state government," he said.

It was a banner year for Democrats. With the Watergate scandal destroying Republicans and DFL Gov. Wendell Anderson touting the Minnesota good life on the cover of Time magazine, the DFL was at its peak.

But Loehr ran into a problem in the DFL primary election, with a defeat by Robert Mattson Jr., son of the former attorney general.

Mattson, a maverick who would become infamous in 1983 as a Minnesota state treasurer living in Florida, was "a jerk," Loehr recalled heatedly. Mattson hammered Loehr in the primary and went on to win the auditor's job.

Looking back, Loehr attributed his loss to Mattson's Scandinavian name, a mistake in listing himself on the ballot as "Alcuin G. Loehr" and his opposition to DFL platform planks that were tolerant of abortion and same-sex marriages.

Loehr does not have fond memories of his 1976 re-election campaign, although his margin of victory was a comfortable 1,200 votes.

His opponent, Alice Ford, accused him of unethical, dishonest conduct, charging that he had diverted city money for non-city purposes, he said. Although the news media found no substantation for the charges, the incident was painful, he said.

"I can say this: I was an honest person," Loehr said.

Ford later won a seat on the council, along with former anti-war activist George Mische. Together, they, along with public complaints about the design of a new bridge to be aligned with 10th Street South, made Loehr's last term rough.

Loehr said he wishes he hadn't run for re-election in 1980.

After 10 years as mayor, "you're bound to develop barnacles that you can't shed," he said. "As you go through your term in office, those things begin to build on you."

At first, Loehr's opposition was just Mische. But Huston, a civil engineer and motorcycle shop owner, jumped into the race at the last minute, earning the moniker "Sudden Sam." Huston defeated Mische in the primary and Loehr in the general election.

There was a contract in style when Huston took over at City Hall, Loehr said.

"I think Sam did a reasonably good job," he said. "Sam was a very personable guy, but he didn't want to be bothered with details. . . . Sam didn't have the crisis issues we had to deal with."

Huston's evaluation: "I think he had the City in pretty good shape. . . . It was great to follow a guy like Al Loehr in office." Huston agreed there was a style difference. "I think I tend to be relaxed and he tends to be—I don't want to say uptight—but much more stern."

Soon after losing the mayor's job in April 1980, Loehr was offered a job as top assistant to the head of the U.S. Veterans Administration.

Earlier in Carter's presidency, he had been considered for the administrator's post itself but the nod went to a severely injured Vietnam vet. Loehr turned down the assistant's position because of indaequate pay and also the possibility, soon realized, that Carter would lose the presidency to Ronald Reagan.

Loehr also had suppressed his desire for the state Senate seat, which was being vacated by DFLer Jack Kleinbaum. The seat was won instead by then-Rep. Jim Pehler, DFL-St. Cloud, a St. Cloud State University faculty member who Loehr said he has never been close to.

Loehr also turned down DFLers who wanted him to run for the House seat Pehler was vacating. That was won by Independent-Republican Gruenes.

Loehr's attention did turn toward the Legislature, though.

Sen. Robert Schmitz, DFL-Jordan, then chair of the Senate Veterans Affairs Committee, picked Loehr to be his administrative aide.

Sen. Joe Bertram, DFL-Paynesville, who now heads that committee, said Loehr was an unusually experienced staff member.

"He's always been able to offer advice," Bertram said. "There aren't too many times you can get an ex-mayor to serve as an administrative aide."

Loehr remained influential on veterans' issues even after Schmitz took over the chairmanship of Local and Urban Govern-

ment and gave up the Veterans Committee post, Bertram said. Loehr's behind-the-scenes persuasion might have made the difference when the Legislature recently decided to build a new veterans home in Luverne, he said.

Loehr was slow to give up the idea of actually being a member of the Legislature.

In 1982, he considered a primary challenge to Pehler. Loehr and Kleinbaum criticized Pehler when he endorsed George Mische's re-election bid to the St. Cloud City Council. Words were exchanged, but Pehler was unopposed for endorsement and won re-election handily.

Two years later, though, Loehr jumped in, picking up the DFL endorsement to challenge Gruenes. He said he got $100 from Mische for that campaign, demonstrating that the hatchet was buried there. But when Pehler talked about the good working relationship he had with Gruenes at the Legislature, that hurt Loehr's candidacy, Loehr said. Gruenes won in a landslide.

Loehr said he always intended to retire at age 62, although he didn't explain what was magic about the number. He feels good about meeting three presidents and working with six governors.

He has been flattered by all the attention the occasion has gotten.

His plans are vague—to spend time at his family's cottage on Grand Lake near Rockville, to visit friends and relatives.

He has agreed to serve on an advisory committee dealing with metropolitan airport planning, at the request of House Speaker Bob Vanasek. Bertram also is looking for Loehr's counsel on veterans issues.

Loehr said it's unlikely that he would seek public office again, although he considered a comeback for mayor last year and believes he could have won.

On the other hand . . . he could see himself replacing Stearns County Commissioner Bob Gambrino—if Gambrino were to retire.

When asked whether the public life of Al Loehr had definitely come to an end, Loehr allowed himself a coy smile.

"You never say never—never." ●

LEDERLE'S SUPRAX FAMILY HEALTH FUND

● Mr. DODD. Mr. President, as the number of homeless people in the United States continues to grow, homelessness is no longer an invisible problem. It is becoming commonplace to see homeless people huddled on street corners or crouched over steam grates, trying to get warm. It may surprise my colleagues to learn that families are the fastest-growing segment of our estimated 3 million homeless, and that one out of every four homeless is a child.

Homeless children have more serious health problems than their more fortunate contemporaries, and common childhood illnesses such as bronchitis and ear infections are widespread among them. These health problems were described last fall during hearings of the Subcommittee on Children, Family, Drugs and Alcoholism, which I chair.

Mr. President, I am delighted that one private sector organization has announced an ambitious and extensive program to help these children to better health; Lederle Laboratories, which first learned of this problem through the subcommittee hearings, recently announced the establishment of the SUPRAX Family Health Fund. The program will make available 10 million dollars worth of SUPRAX, Lederle's newest antibiotic, and will provide funding for innovative outreach programs to bring primary health care services to the homeless.

The program has been developed in conjunction with health care specialists at the Children's Health Fund and the National Association of Community Health Centers [NACHC]. Lederle will provide SUPRAX, at no cost to the patient, through NACHC centers and community and migrant health clinics. There are more than 600 NACHC centers in the United States which provide health care to homeless patients through more than 2,000 community and migrant health clinical sites. In addition to this donation, Lederle has made a $1 million grant to the Children's Health Fund to develop its outreach program, which uses mobile health units staffed by medical professionals to bring health care to homeless families and children.

Mr. President, I congratulate Lederle on this initiative. This is corporate volunteerism at its best. I hope that many other corporate citizens will step forward to help ease the serious problems faced by our Nation's homeless. ●

THREATS POSED BY CHINESE MISSILE SALES AND IRAQI MISSILE AND NUCLEAR PROGRAMS

● Mr. BINGAMAN. Mr. President, I rise today to address the dangerous implications of recent events that converge in what is now the world's most volatile region, the Middle East.

I refer first of all to reports appearing in the media that China may have resumed the sale of ballistic missiles to countries in the Middle East. The sale of such weapons, whatever their operational range and regardless of the type of warhead they may carry, is inherently destabilizing. I note that the statement issued March 24 by the State Department declares that the administration has made clear to the Chinese Government the risks inherent in the provision of any type of missile to countries in the Middle East. It is evident that the Chinese choose to pay little heed to the administration's advice, and may well proceed with sale of what are reported to be short-range missiles.

The threat posed by this prospective Chinese action is enhanced by reports carried in the March 30 edition of the New York Times that the administration has failed to obtain from the Chinese concrete assurances that China will not sell medium-range missiles in the Middle East. I ask that this article be inserted in the RECORD at the conclusion of my remarks. Vague assurances on the sale of medium-range missiles were the only benefit deriving from the once-secret visit of National Security Adviser Scowcroft to Beijing. However, with the Chinese refusal to clarify these assurances, in particular their refusal to agree to a definition of what is a medium-range missile, it is reasonable to question the value of any such assurance from the Chinese Government. Until China is willing to provide specific commitments on this issue, including being forthcoming on the definition of medium-range missiles, we can expect that the proliferation of ballistic missiles in the Middle East will continue at a rapid pace.

The second development with major implications for stability in the Middle East is the seizure in London of nuclear triggers destined for Iraq. In itself this would be a cause for serious concern, based on Iraq's previous attempts to arm itself with nuclear weaponry. My concern is heightened by the fact that Iraq is the Middle East country that has made the greatest strides in consolidating a ballistic missile launch capability. In fact, the threat posed by Iraq's missile program grows from month to month. The New York Times reported March 30 that Iraq has constructed fixed missile launch sites which enable Iraq to strike directly at Israel. The article suggests that the launchers are designed to retaliate against an Israeli preemptive strike similar to the 1981 bombing of the Osirak nuclear reactor. It is small comfort to know that these missiles are intended only to deter attacks on Iraq's nefarious nuclear and chemical warfare industries. They obviously themselves invite preemption. This too is an important article and I ask that it be inserted in the RECORD at the conclusion of my remarks.

It is also worth recalling that last December, the Iraqis launched what was reported to be a multistage ballistic missile with a range of 1,200 miles. Should the Iraqis be able to marry ballistic missile technology and nuclear weaponry, they would be able to threaten every country in the Middle East, and United States interests in the region as well, with nuclear blackmail or even nuclear destruction. Given Iraq's demonstrated disregard for international law in its use of chemical weapons against the Iranian Army and against its own defenseless Kurdish minority, no one can welcome Iraqi advances in either missile or nuclear technology.

These developments together demonstrate the dangers inherent in the continuing worldwide spread of ballistic missile technology. Combined with efforts by several nations to augment their arsenals with ever more destruc-

tive weapons—chemical, biological, nuclear—the proliferation of ballistic missiles makes the world an increasingly more dangerous place. It is clear to me that we must take stronger measures to reduce in a significant way the access of developing countries to missiles and missile technology. Several bills on this issue, including one introduced by myself, are pending before the Congress. I believe that these recent events demonstrate the urgency of this problem, and require that we complete action on these bills as soon as possible.

The articles follow:

[From the New York Times, Mar. 30, 1990]

IRAQ SAID TO BUILD LAUNCHERS FOR ITS 400-MILE MISSILES

(By Michael R. Gordon)

WASHINGTON, Mar. 29.—Iraq has constructed for the first time launchers for missiles within range of Tel Aviv and Damascus, according to classified American intelligence reports. While the weapons could be used for offensive purposes, American intelligence experts believe that the missiles are intended in part to discourage any possible Israeli attack on Iraqi nuclear or chemical weapon installations.

On Wednesday, American and British agents arrested five people and seized 40 Iraq-bound electrical devices that had been smuggled out of southern California. Experts say that the devices are well-suited for triggering nuclear bombs and may have other military applications.

Iraq's efforts to obtain the devices have heightened international concerns about its program to develop nuclear weapons. Experts say that Iraq has the largest chemical weapons program in the their world and is trying to develop biological weapons.

The construction of the missile launchers in Western Iraq, which has provoked concern among senior Administration officials, was described in a classified Central Intelligence Agency report prepared early this month. American intelligence about the Iraqi missile launchers was disclosed before the arrests in the Iraqi smuggling case.

CONSTRUCTION COMPLETED

The report says that Iraq recently completed the construction of six launchers for modified Scud missiles at its H-2 airfield, which an Administration official said was built by the British and is in western Iraq on the road between Baghdad and Jordan. Construction of the launchers began last June. The launchers are similar to launchers recently discovered in central Iraq, the intelligence report says.

According to the intelligence report, the launchers are the first stationary ones that Iraq has built within range of Tel Aviv or Damascus.

American intelligence experts say that they believe that the launchers are for Iraq's Al-Husayn surface-to-surface missile, a 400-mile version of the Soviet-designed Scud missiles, which Iraq fired at Iraq in the 1980-88 Persian Gulf war.

While Iraq has mobile launchers for the Al-Husayn missile that could be transported within range of Israel, American experts say that the fixed launchers may enable Iraq to fire the weapon with more accuracy.

SEEN AS BLUNT STATEMENT

The newly constructed launchers are also seen as a blunt statement by Iraq that it will retailate against any Israeli attack on its chemical weapons or nuclear installations, according to the intelligence report and senior Administration officials.

Israeli planes bombed and destroyed an atomic reactor near Baghdad in 1981 that Israel said was involved in the production of chemical weapons.

"By building fixed launchers, they want everybody to know that the launchers are there," said a senior Administration official.

The senior official said that Iraqi officials had signaled to foreign diplomats that the launchers would be used to retaliate against an Israeli pre-emptive attack against Iraqi military installations. Iraq, he said, has built up its air defenses and is improving its ability to communicate with the Jordanian and Saudia Arabian military.

Iraq's construction of launchers within range of Israel was described in a carefully worded White House statement as a "destabilizing development.

IF TRUE, WE ARE CONCERNED

"We do not comment on intelligence matters," a White House spokesman, Roman Popadiuk, said, when asked about the intelligence reports. "However, if true, we would be very concerned. We are concerned about the destabilizing effects of the spread of ballistic missiles and missile technology, especially in areas of tension."

[In Jerusalem, there was no immediate comment. On Wednesday, in response to the seizure of the triggering devices in Britain, a senior Israeli Defense Ministry official said simply, "There is no Defense Minister now, and so we are not dealing with this issue."]

About 190 conventionally armed Al-Husayn missiles were fired by Iraq at Iran in March and April 1988 in the gulf war, according to W. Seth Carus, an expert on missile proliferation at the Naval War College Foundation.

The Iranians said that the missiles, which are liquid fueled, were not very accurate, an assertion affirmed by some American officials. The Iraqis have recently said that they are improving the missile's guidance system.

MODIFIED VERSION OF SOVIET MISSILE

"From a technical standpoint, the missile's accuracy against specific military targets is probably not very good," Mr. Carus said. "But if all you want to do is hit Tel Aviv, it is more than accurate enough."

The weapon is an extensively modified version of Scud-B missiles originally provided to Iraq by the Soviet Union.

The missile was never used with a chemical warhead in the gulf war, and an Administration official, who asked not be identified, said the United States did not now know if Iraq currently had the capability to equip missile with a chemical warhead. But the official added that Iraq had a large program to develop chemical weapons and is believed to be developing chemical warfare.

Iraq has said that it is developing more modern missiles, including those of longer range. In December, Iraq asserted that it possessed a 2,000-kilometer-range missile called the Tammuz I.

[From the New York Times, Mar. 30, 1990]

BEIJING AVOIDS NEW MISSILE SALES ASSURANCE

(By Michael R. Gordon)

WASHINGTON, March 29.—The United States has sought but failed to obtain additional assurances from China that Beijing will not sell medium-range missiles to the Middle East, Administration officials said today.

The new assurances were sought during an unpublicized meeting last month between Reginald Bartholomew, the top State Department official for weapons proliferation, and the Chinese Ambassador to Washington.

Chinese missile sales have been a serious worry for the United States, which has sought to stop the spread of delivery systems capable of carrying chemical or nuclear warheads to the Middle East and other regions of tension.

When the national security adviser, Brent Scowcroft, visited China in December, the Chinese offered a general assurance that they would not sell medium-range missiles to the Middle East. China also stated that it would not sell its M-9 missiles to Syria, a medium-range weapon under development of particular concern to American officials.

But the Chinese never defined exactly what they meant by medium-range, American officials say.

American officials have tried repeatedly in recent years to get the Chinese to agree to an internationally agreed definition that missiles that can carry a 1,000 pound payload more than 160 miles is considered to be a medium-range weapon. That definition is contained in export guidelines agreed to by Western nations and was recently affirmed by Soviet officials when Secretary of State James A. Baker 3d visited Moscow.

Mr. Bartholomew, who reportedly called in the Chinese Ambassador for broad discussion of American proliferation concerns last month, is said to have renewed American efforts to clarify Beijing's general assurances that China will not sell medium-range missiles. But the Chinese have not responded, Administration officials said today.

Mr. Bartholomew's efforts, and new American diplomatic approaches to the Chinese in Beijing in recent days, comes against a background of intelligence reports that China may be preparing for a new round of missiles sales.

According to recent American intelligence reports, China may have agreed to provide Iran with at least 50 short-range surface-to-surface missiles called the 8610, a weapon with a range of about 80 miles.

The United States has also received unconfirmed reports that China might be planning surreptitious sales of M-9 missiles to Syria by routing them through South America. An Administration official said the United States had received no evidence to confirm that China has actually done that.

Other intelligence reports cite a possible link between China and artillery technology transferred to Libya and the possible transfer of missile technology to Pakistan.

More recently, a convoy of missiles that moved through Beijing last weekend toward the main north China port of Tianjin has stirred further concerns about possible Chinese missile sales.

Early speculation held that the missiles might be short-range missiles destined for Iran. An Administration official said that some intelligence analysts now say they believe that the reported convoy was not in fact headed toward the port of Tianjin and thus was not evidence of a missile sale.

The official said the Administration was not certain tht the convoy was carrying missiles but believed that it probably was tranporting short-range missiles.

China is already producing the 8610 short-range missile and is expected to begin production of the M-9 medium-range missile

and a slightly shorter-range M-11 missile by early summer, officials said.

State Department officials said they disagreed with the recent assessment by a senior Navy intelligence official that China was eagerly trying to sell its M-type missiles to the Middle East.

Rear Adm. Thomas A. Brooks, director of Naval Intelligence, noted in recent Congressional testimony that China's marketing efforts might lead to possible sales to Syria, Libya, Iran and Pakistan.●

CBO COST ESTIMATE FOR H.R. 987, TONGASS TIMBER REFORM ACT

● Mr. JOHNSTON. Mr. President, on March 30, the Committee on Energy and Natural Resources filed the report to accompany H.R. 987, the Tongass Timber Reform Act.

At the time this report was filed, the Congressional Budget Office had not submitted its budget estimate regarding this measure. The committee has since received this communication from the Congressional Budget Office, and I ask that it be printed in the RECORD at this point:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, March 30, 1990.

Hon. J. BENNETT JOHNSTON, JR.,
Chairman, Committe on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 987, the Tongass Timber Reform Act.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill Number: H.R. 987

2. Bill Title: The Tongass Timber Reform Act

3. Bill Status: As ordered reported by the Senate Committee on Energy and Natural Resources, March 7, 1990.

4. Bill Purpose: Title I would repeal provisions of current law that provide permanent appropriations for the Tongass Timber Supply Fund. Instead, the act would require annual appropriations to support timber management and resource conservation in the Tongass National Forest. This title would also:

Eliminate the requirement that the Forest Service (FS) provide to the timber industry a specified amount of timber from the Tongass;

Require the FS to include the Tongass in its study of lands unsuitable for timber production; and

Require the FS to maintain commercial timber harvesting buffer zones along specified sections of certain streams in Alaska.

Title II would establish 12 areas encompassing over 670,000 acres of land in the Tongass as special management areas. These areas would be managed by the FS as Land Use Designation II (LUD II) areas as set forth in the Tongass National Forest Land Management plan.

Title III would make specific, unilateral changes to two existing long-term timber sale contracts on the Tongass. Within 90 days of enactment, the FS would be required to transmit to the Congress copies of the modified contracts. The General Accounting Office would be required to audit the contract modification process and to report to the Congress within 120 days of the bill's enactment on whether the modifications are in compliance with the requirements set forth in this act.

Title IV would amend the Haida Land Exchange Act of 1986 to allow the Haida Native Corporation one year to select specified lands in exchange for other lands or selection rights.

5. Estimated Cost to the Federal Government: The elimination of the permanent appropriation for the Tongass National Forest would result in a reduction in direct spending beginning in fiscal year 1991. This reduction may be partially or entirely offset by increased appropriations for the same purpose, but that would depend entirely on future Congressional action.

Also partially offsetting these savings would be additional costs totaling $2 million to $3 million over the next five years to carry out the land exchange authorized in Title IV and for additional timber sale preparation activities resulting from maintenance of commercial logging buffer zones in Title I and from the LUD II designations in Title II.

The federal government could incur additional costs if it is required to pay damages to the holders of the two long-term timber contracts that would be unilaterally modified as a result of this bill's passage. The magnitude of any such costs would depend on future legal action that is impossible to predict at this time. It is unlikely that court settlement would occur within the next year.

The direct spending savings resulting from enactment of this legislation are shown in the following table:

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995
Direct spending					
Repeal of Tongass timber:					
Supply fund:					
Estimated budget authority	−44	−44	−44	−44	−44
Estimated outlays	−28	−44	−44	−44	−44

The costs of this legislation fall within budget function 300.

BASIS OF ESTIMATE

Titles I and II.—Repeal of the permanent appropriation for the Tongass Timber Supply Fund would result in a reduction in direct spending of approximately $28 million in 1991 and about $44 million annually thereafter. These are the amounts that CBO projects would be spent under existing authority to support the preparation and sale of 300 million to 400 million board feet of timber annually from the Tongass.

Information from the FS indicates that the LUD II designations in Title II, along with the buffer zone requirements in Title I, would reduce the volume of timber currently available for sale or release by about 50 million board feet. CBO does not expect this reduction to result in a loss of receipts over the next five years because the FS has indicated that it would maintain currently projected harvest levels by offering timber for sale in other areas. Preparation of new timber sale areas would cost $1 million to $2 million over the next five years.

Title III.—The federal government could incur additional costs if the two companies holding long-term timber sale contracts sue the federal government and the courts determine that the unilateral modifications to the sale contracts as contained in Title III significantly affect the companies' profitability. The long-term contracts were negotiated in the 1940s to ensure the companies a sufficient quantity of timber—at prices negotiated every five years (known as operating periods)—in exchange for the operation of timber processing facilities in the region. Under current law, the contracts will expire in 2004 and 2011.

CBO has no basis for evaluating whether the federal government would be held liable or for estimating the magnitude of any potential compensation. Even if the United States is held liable, the potential range of court awards is very broad.

For instance, a court award would be relatively small if the court reasons that even after modification, the contract holders will continue to have access to adequate supplies of timber, albeit at a higher price. Under this scenario, damages could be limited to the difference between the contract price for timber under the unmodified contracts and the price under the terms of the modified contracts. Depending on what timeframe the courts use to calculate these additional costs (the time remaining in the current five-year operating period or the remaining life of the contracts), compensation under this scenario could be less than $20 million.

On the other hand, a court award could be greater if the courts conclude that enactment of this bill, including unilateral modifications to the contracts, would diminish the value of the mills and facilities built pursuant to the original contracts. Under this scenario, compensation for that reduction in value could also be required. While these amounts could be significant (perhaps as much as several hundred million dollars), CBO cannot estimate the magnitude of any potential compensation for the value of the mills and facilities.

Title IV.—Based on information from the FS and the Bureau of Land Management, CBO estimates that the land exchange authorized in Title IV would result in additional costs totaling about $1 million in 1991, primarily for boundary surveys. Information from the FS also indicates that the federal lands conveyed to the Haida Corporation would likely be more valuable than the lands the federal government would receive in exchange. This is probable because the exchange would be based on acreage and not on land value, and the choice of lands to be exchanged would be made by the Haida Corporation. This potential loss in land value would have no direct effect on the federal budget over the next five years.

6. Estimated cost to the State and local governments: Enactment of this legislation would not result in additional direct costs to state or local governments.

7. Estimate comparison: None.

8. Previous CBO estimate: On June 6, 1989, CBO prepared a cost estimate for H.R. 987, the Tongass Timber Reform Act, as ordered reported by the House Committee on Interior and Insular Affairs on May 31, 1989. CBO's estimate of the budget impact of that version of the bill is similar to the estimate for titles I, II, and III of this bill.

On June 23, 1989, CBO prepared a cost estimate for H.R. 987, the Tongass Timber Reform Act, as ordered by the House Committee on Agriculture on June 21, 1989. Our

estimate for that version of H.R. 987 is similar to the estimate for titles I and II of this bill.

9. Estimate prepared by: Theresa Gullo (226-2860).

10. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.●

TRIBUTE TO FRANK LEE AND MARGARET KRAUS

● Mr. CHAFEE. Mr. President, today I would like to recognize two outstanding citizens of the State of Rhode Island and the United States of America. Frank Lee is stepping down after a successful term as commander of the Primmer-Cordeiro Post 5385 of the Veterans of Foreign Wars of the United States. Margaret Kraus is finishing her term as president of the Primmer-Cordeiro Post 5385 Ladies Auxillary. These two individuals are two examples of President Bush's Thousand Points of Light.

Under the able leadership of Mr. Lee and Ms. Kraus, the Primmer-Cordeiro Post 5385 has continued its long history of community service in Rhode Island. Founded in 1946, this post has served the community, the veterans, and the State well throughout the years. Activities such as visiting nursing homes, working in hospitals, running safety programs, coordinating Loyalty Day, and sponsoring the Voice of Democracy contest are hallmarks of the benevolence of this group.

Mr. Lee has served as commander of Post 5385 for the past year and has a long history of community service to his credit. Ms. Kraus also has a distinguished career in the service of those around her of which she can well be proud.

I ask my colleagues in the Senate to join me in recognizing the contributions and accomplishments of these two special individuals. The commitment of Mr. Frank Lee and Ms. Margaret Kraus to community service and to the Primmer-Cordeiro Post 5385 is of note to us all.●

THE SUN OF BREMERTON WASHINGTON ENDORSES TERM LIMITATION

● Mr. HUMPHREY. Mr. President, many opponents claim that congressional term limitation will unleash the bureaucracy, which will increase its power until Congress can no longer practice its oversight of the agencies. Congressional oversight is an important function, but let us not forget that Congress often forces the Executive to do things not in the national interest, like buying $1.1 billion worth of F-14's the Navy does not want, or 2,108 10-ton trucks the Army does not want.

The travesty of our present system, is that sending pork home to the district has become more important than spending taxpayer money prudently. Mr. President, imagine the change in attitude in Congress if each Member knew from the moment he or she was sworn in, that no matter how much tax money was sent to the district or State, he or she still could not make a career of Congress. Then we would begin to see the political courage and intellectual honesty.

Mr. President, I ask that a fine editorial in support of term limitation, published in the Sun of Bremerton, WA, be printed in the RECORD immediately following my remarks. I would note to my colleagues that prior to the end of session in the Washington Legislature, resolutions petitioning Congress to adopt a term limitation amendment were introduced in both Houses.

The article follows:

MOVE TO LIMIT TERMS CONTAINS A MESSAGE

A move to limit terms for members of Congress seems to be picking up momentum.

A bipartisan group—Americans to Limit Congressional Terms (ALCT)—launched a campaign the other day in Washington to get rid of the "permanent Congress" by limiting service in the House and Senate to 12 years.

Senator Gordon Humphrey, R-N.H., recently introduced a resolution calling for a constitutional amendment to restrict terms to six in the house and two in the Senate. That probably won't go far in a legislative body where the first priority of most members is to protect their jobs.

But there is a growing sentiment in the states to limit congressional terms. The South Dakota legislature has approved a resolution calling for a constitutional amendment, and more than a dozen other states are considering it.

A Gallup Poll last month indicated that 70 percent of Americans favor a limit.

The ALCT has 33 former members of Congress on its board of directors. Said cochairman James Coyne, a former member from Pennsylvania: "Members of Congress have no idea of how frustrated people are with the institution."

Let's hope that incumbent senators and representatives soon get the message. If they don't clean up their act, voters outside the Washington Beltway may do it for them.●

HONORING SOUTH DAKOTA'S ELLSWORTH AIR FORCE BASE

● Mr. DASCHLE. Mr. President, the citizens of South Dakota are extremely proud of the men and women who serve our country with such dedication Ellsworth Air Force Base. We have always known that these men and women are among the best in the Nation. Recently, the head of the Strategic Air Command, Gen. John T. Chain, Jr., visited Ellsworth Air Force Base to present a trophy to the top aircraft maintenance unit in the Strategic Air Command. The "Best in the SAC" maintenance award for its 1989 accomplishments went to the 28th Bombardment Wing's 28th Operational Maintenance Squadron, 28th Field Maintenance Squadron, 28th Munitions Maintenance Squadron, 28th Avionics Maintenance Squadron and 28th Consolidated Aircraft Maintenance Squadron.

The "Best in the SAC" Trophy has been awarded to the Ellsworth aircraft maintenance unit for the second straight year. For the 1,950 people in the Ellsworth maintenance unit, who competed against 22 similar wings in the Strategic Air Command, this award caps a year-long effort of intense training and hard work. Because of the presence of the new Strategic Warfare Center, the Ellsworth maintenance unit is not only responsible for ensuring the highest maintenance standards on the base's B-1B's, EC-135's and KC-135's, but also is responsible for maintaining visiting B-1B's, B-52's and FB-111's.

Excellence at Ellsworth Air Force Base certainly does not stop with the 28th bombardment Wing's maintenance unit. The men and women of the 28th Bombardment Wing were also recognized for their exemplary efforts by winning the 1989 Fairchild Trophy, given to the best Strategic Air Command unit in bombing and navigation competition. Without a doubt, the men and women of Ellsworth remain the best among the best.

These awards demonstrate what we, in South Dakota, have known all along—the excellent demonstrated day in and day out by the men and women of Ellsworth is the reason Ellsworth Air Force Base will continue to have an important role in our Nation's strategic force. On behalf of the citizens of South Dakota, we extend our gratitude for their outstanding accomplishments and wish them continued success in their upcoming competition for the Phoenix Award.●

RICHARD SPRINGER

● Mr. INOUYE. Mr. President, today I speak of Richard Springer. I doubt that too many of us have heard of Richard Springer, but I believe that he is worthy of our special concern and commendation, both because of the individual he was and his professional achievements.

All of us have communicated with the General Accounting Office for assistance, and all too often we do not pause to express our thanks to those men and women who stand behind the reports that have guided us in drafting bills or in passing legislation; reports that have a profound effect on our Government; reports that have assisted us in our consideration of the budget.

Richard Springer, known as Rick to his many friends, was one of the most talented and dedicated attorneys at the GAO. On November 2, 1989, he

succumbed to AIDS after a valiant 4-year battle to overcome it. Although he is no longer with us so we cannot personally thank him, I hope that these words will bring comfort to his family and his many friends.

Richard Springer began working at the GAO in 1973 after a distinguished academic career at the University of Pennsylvania and Harvard Law School, and 4 years of private practice in his home State of Pennsylvania. He quickly impressed his supervisors with his remarkable grasp of some of the most technically and legally complex issues presented to the Office. When an attorney was needed for a particularly complicated case, more often than not he was selected.

One early example was a 231-page comprehensive report prepared in 1978 by one of GAO's audit divisions for Senator Muskie, then chairman of the Senate Subcommittee on Intergovernmental Relations. Mr. Springer provided invaluable assistance in the preparation of the report. He painstakingly prepared an inventory of the 120 Federal agencies with regulatory programs and activities, summarizing their particular responsibilities and the legal authorities for each. During this same period, he was assigned a series of legal decisions to write, concerning the proper interpretation of the Postal Reorganization Act and its application to postal ratemaking and classification.

Richard Springer was an energy law expert and provided Congress with much assistance in its consideration of energy legislation. Early in this career, he set out to master the intricate network of energy legislation and the complex Department of Energy regulations, dealing with industry cost participation in energy research and development projects.

The early 1980's found Mr. Springer constantly in demand by the GAO auditors who were venturing into the field of nuclear fuel cycle activities. He accompanied them to numerous briefings of congressional staff, assisted in preparation of testimony, and clarified numerous legal points raised at the hearings. He also interviewed attorneys and other officials of the Departments of Energy, Justice, and State, and the Federal Trade Commission, as well as foreign government legal advisers and officials.

In 1985, Mr. Springer was heavily involved in two studies of whether U.S. companies that report to the International Energy Agency [IEA] should receive antitrust and breach of contract protections for their activities during international oil supply disruptions. His work on the latter issues led Senator METZENBAUM to propose, and the Congress to enact, an amendment which extended the Energy Policy and Conservation Act of 1975.

In recognition of his consistently superior work in 1981, Richard Springer was awarded GAO's Office of General Counsel Award, the highest achievement for a GAO attorney.

Although I was not privileged to know him personally, I know from his work that he was a brilliant and dedicated lawyer. I also know from the expressions of his colleagues that he was an unusually gentle and compassionate individual who possessed an engaging sense of humor. It was a source of great admiration and comfort to his friends that during the course of his illness, he rarely lost his sense of humor or his optimism. The loss of Richard Springer is surely our loss. On behalf of this body, I extend my deepest sympathies to his family and friends.●

NATIONAL STUDENT-ATHLETE DAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 238, designating April 6, 1990, as National Student Athlete Day, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The joint resolution will be stated.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 268), to designate April 6, 1990 as "National Student-Athlete Day."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 268), with its preamble, is as follows:

S.J. RES. 268

Whereas the student-athlete represents a role model worthy of emulation by the youth of this Nation;

Whereas the past athletic successes of many business, governmental, and educational leaders of this Nation dispel the myth that successful athletes are one-dimensional;

Whereas such worthy values and behaviors as perseverance, teamwork, self-discipline, and commitment to a goal are fostered and promoted by both academic and athletic pursuits;

Whereas participation in athletics, together with education, provides opportunities to develop valuable social and leadership skills and to gain an appreciation of different ethnic and racial groups;

Whereas in spite of all the positive aspects of sport, overemphasis on sport at the expense of education may cause serious harm to the future of an athlete;

Whereas the pursuit of victory in athletics among the schools and colleges of this Nation too often leads to exploitation and abuse of the student-athlete;

Whereas less than 1 in 100 high school athletes have the opportunity to play Division I college athletics;

Whereas although college athletes graduate at the same rate as other students, less than 30 percent of scholarship athletes in revenue producing sports graduate from college;

Whereas only 1 in 10,000 high school athletes ever realize an aspiration of a career in professional sports, and those students who become professional athletes may expect a professional sports career of less than 4 years;

Whereas thousands of the youth of this Nation sacrifice academic achievement to the dream of professional athletics;

Whereas the practice of keeping athletes eligible for participation on a team, even at the high school level, must be abandoned for a policy of ensuring a meaningful education and degree;

Whereas coaches, parents, and educators of student-athletes must express high expectations for academic performance as well as for athletic performance; and

Whereas there is a need in this Nation to reemphasize the student in the term "student-athlete": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 6, 1990, is designated as "National Student-Athlete Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate programs, ceremonies, and activities.

SCHEDULE

Mr. MITCHELL. Mr. President, for the information of Senators, I would like to discuss briefly the schedule for the remainder of the week. I have had the opportunity earlier today to consult with the distinguished Republican leader on these matters, and we agreed that it would be useful for all Senators if we could discuss it now so that Senators will have some idea of the schedule for the remainder of the week and following the Easter recess.

First, it is my judgment, which I believe the distinguished Republican leader shares, but with respect to which I will ask him to comment directly, that there is not sufficient time this week to take up the crime legislation along with the other matters that must be taken up, which other matters we will describe momentarily, and that we would all be better served if that matter were put over until following the Easter recess and prior to the Memorial Day recess.

Accordingly, it is not my intention to call it up at this time, but rather to do so during the next work period and probably on or about May 21, which would permit nearly a full week's consideration of it in the week immediately preceding the Memorial Day recess.

I would like to ask the distinguished Republican leader for his comment in that regard.

Mr. DOLE. Mr. President, I share that view. It seems to me we would not

be able to complete discussion or action on it, in any event. We have checked with Senator THURMOND on this side, the ranking Republican on the Judiciary Committee. He certainly has no objection to the schedule announced by the majority leader. I know of no objection on this side. In fact, I think we would prefer to have it set aside until late May, as indicated by the majority leader.

Mr. MITCHELL. I thank my colleague in that regard.

Mr. President, I say to Members of the Senate, the Senate is now scheduled to vote on final passage of the clean air bill not later than 8 p.m. tomorrow, unless there are several amendments pending and offered at that time which would first have to be disposed of. So it appears likely that we will take up all or most of the day tomorrow on the clean air bill. It remains my hope we can act prior to 8 o'clock. We will not know that until during the day tomorrow as we see what amendments are pending.

There remains for consideration this week five matters that I believe we ought to at least consider the possibility of going to. The first two relate to the President's request for emergency assistance to Panama and Nicaragua. The Foreign Relations Committee has reported out the authorization bill. It is my hope that we can deal with that promptly on Wednesday, subject to a very tight time agreement that would permit us to dispose of it in a relatively short period of time with no amendments.

The reason I am suggesting that there be no amendments is that we will sometime thereafter take up the appropriations bill, and I do not see any point in our having to go twice through the same issues that will arise on one or the other of those bills. Therefore, I am proposing we simply pass quickly the authorization bill, which I believe accords substantially with the President's request with respect to aid to Panama and Nicaragua, and then have the debate and discussion on the appropriations bill.

I am not able at this time to specify a precise date or time for the appropriation bill. That will, of course, depend upon action by the Appropriations Committtee when the matter is received from the House, which I believe will occur tomorrow. I believe the House will act on that tomorrow.

I am advised by staff that on our side, the Democratic side, we are clear on doing the authorization bill without amendments. I hope we can get similar clearance on the Republican side.

In addition to those two items, we have the Ryan nomination, which I believe should be disposed of promptly, and it is my hope that we can take up the Panama-Nicaragua authorization bill first thing Wednesday under a tight time agreement and then move to the Ryan nomination.

Then there are two other matters that deal with education and training that we hope to act on, that are important bills. One is a vocational education bill, and the other is a job training bill. If, Mr. President, we could act on all or as many of those items as possible, it is my intention that we would then complete action this week. So that if, for example, we can complete action on these by Thursday night, it would not be my intention to be in session on Friday.

I would like, Mr. President, at this time to ask the distinguished Republican leader for any comments or suggestions he has in this regard.

Mr. DOLE. Mr. President, if the majority leader will yield, based on our earlier discussion in the majority leader's office, we started the process to see, first, if we can get an agreement on the Panama-Nicaragua authorization bill without amendment. We hope to be able to come back to the majority leader shortly after the policy luncheon and advise him on our success or failure in that effort.

In addition, also to be taken up tomorrow at our policy luncheon, we have started in a preliminary way to see if we can determine how much difficulty we will have with the other measures. I know of none on the Ryan nomination. I do not know how long debate might take. I know of only one amendment so far on vocational education. I am advised on the Job Partnership Training Act that there may be some difficulty, and, on the Nicaragua-Panama appropriations bill, as the majority leader has indicated, we are not saying that will not come up. We are suggesting we are not certain. It is still a question mark. I indicated to my colleagues I talked to personally if we do complete action on these matters, or as many as we can, and the majority leader then determines we cannot complete action in the balance of the week, we could conclude business by sometime on Thursday.

ORDERS FOR TUESDAY

RECESS FROM 12:30 P.M. TO 2:15 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its session today, it stand in recess until 9:15 a.m. tomorrow, Tuesday morning; that the time for the two leaders tomorrow be reduced to 7½ minutes each; that the majority leader be authorized to offer an allowances amendment on behalf of the two managers that will be discussed from 9:30 to 10 a.m., with the time equally divided and controlled between the two leaders or their designees, which amendment will then be called up later in the day; that at 10 a.m. Senator MCCLURE be recognized to offer his clean coal technology amendment; that following the vote on or in relation to the McClure coal amendment, the Senate return to the McClure amendment No. 1431 for the 15 minutes of debate on that amendment that have been reserved, and then vote on or in relation to that amendment; that following the disposition of the second McClure amendment, the Senate resume consideration of the Murkowski amendment, No. 1432, on which 15 minutes have been reserved for debate with a vote occurring on or in relation to the Murkowski amendment at the conclusion of the debate with no intervening action or debate.

I further ask unanimous consent that the Senate stand in recess from 12:30 p.m. to 2:15 p.m. tomorrow to accommodate the two party conference luncheon conferences.

Mr. DOLE. Mr. President, reserving the right to object, I shall not object; just so my colleagues understand there will be a vote following each amendment. They will not be stacked. They will follow each amendment.

Mr. MITCHELL. That is correct, Mr. President.

Mr. DOLE. It is clear in the consent, but I wanted to make certain they understood.

Mr. MITCHELL. Mr. President, the Senators offering the amendments asked that they have the opportunity to have the remaining debate immediately prior to the vote on each particular amendment so that Senators would have the opportunity to distinguish them and consider the various arguments.

It was a reasonable request, and it is accommodated here, as the distinguished Republican leader points out.

Then there will be a debate, there will be 1 hour on the McClure amendment, that has not yet been offered. There will be a vote on that. Then there will be 15 minutes of debate on the McClure amendment which was offered today and debated for approximately 45 minutes. Then there will be a vote on that. Then there will be 15 minutes of debate on the Murkowski amendment, which also was offered today and debated for about 45 minutes, and then a vote on that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I thank the distinguished Republican leader.

Does the distinguished Republican leader have anything further?

Mr. DOLE. No.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if no other Senator is seeking recognition, I

now ask unanimous consent that the Senate stand in recess, under the previous order, until 9:15 a.m. on Tuesday, April 3.

There being no objection, the Senate, at 7:15 p.m., recessed until Tuesday, April 3, 1990, at 9:15 a.m.

EXTENSIONS OF REMARKS

THE FINANCIAL PLANNERS DISCLOSURE AND ENFORCEMENT ACT OF 1990

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1990

Mr. DINGELL. Mr. Speaker, I am pleased to join my colleagues on the Energy and Commerce Committee in cosponsoring the Financial Planners Disclosure and Enforcement Act of 1990. I particularly commend Congressman BOUCHER for all the drafting and negotiating over the past year that made it possible to introduce this bill with the endorsement of the American Association of Retired Persons, the Consumer Federation of America, the Institute of Certified Financial Planners, the International Association of Financial Planners, the National Association of Personal Financial Advisors, and the North American Securities Administrators Association.

On July 31, 1989, I introduced at the request of the Securities and Exchange Commission, along with 12 of my colleagues, H.R. 3054, the Investment Adviser Self-Regulation Act, to provide for the establishment of one or more self-regulatory organizations for registered investment advisers. These SRO's would establish qualification and business practice standards, perform inspections, and enforce compliance with the law.

The legislation we are introducing today will supplement and greatly enhance the investor protections proposed in H.R. 3054. It would mandate disclosure of vital information to investors so that they can evaluate the qualifications of the financial planners they select and the recommendations the planners make. It would require persons who hold themselves out to the public as financial planners or investment advisers to register under the Investment Advisers Act of 1940. And it would create a private right of action to enable customers to sue for damages when they sustain losses due to 1940 act violations. This right cannot be taken away by any agreement relating to compulsory arbitration.

According to NASAA, which conducted a survey of fraud in the financial planning business, some 22,000 investors lost about $400 million in financial planning frauds between mid-1986 and mid-1988. Last month, the Wall Street Journal warned investors about the serious conflict of interest issues plaguing financial planning. This problem is nationwide and deserves prompt redress.

I urge the Committee's Subcommittee on Telecommunications and Finance to hold hearings on these two bills as soon as practicable. We need to work with honest financial planners along with Federal and State regulators to clean up the industry's tarnished reputation and protect consumers from those who would enrich themselves at their clients' expense.

THE FUTURE OF EUROPE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1990

Mr. SOLARZ. Mr. Speaker, all of us are following with keen attention the developments in Eastern Europe and the Soviet Union. Of course, the elections in the German Democratic Republic last month were part of the unfolding drama of freedom and democracy in that part of the world.

In this connection, I am pleased to call to the attention of my colleagues a most significant address delivered on March 19, 1990, by Prof. Dr. Rita Sussmuth, president of the Bundestag, Federal Republic of Germany.

Dr. Sussmuth's lecture, entitled "The Future of Europe," took place on the campus of New York University, under the cosponsorship of Deutsches Haus, a German cultural and information center at NYU, and the Institute for East-West Security Studies, an independent research institute located in New York City.

John Brademas, our former colleague in the House, is now president of New York University. Since assuming this position some years ago, he has emerged as one of the commanding figures in the world of higher education, which does not in the least surprise those of us who knew him and worked with him when he was a Member here. During his years at NYU, he has helped to establish New York University as one of the major centers of learning and dialogue not just in New York but in the Nation.

In introducing Dr. Sussmuth, Dr. Brademas noted that:

Her wide experience makes Dr. Rita Sussmuth qualified to place the extraordinary developments of recent months into perspective. She has emphasized the need for immediate economic assistance to Poland and has also observed that successful and enduring changes in East Germany would in large part depend on the continuation of the "perestroika" policies of Mikhail Gorbachev.

Dr. Sussmuth has been a member of the Deutscher Bundestag since 1987. A professor of educational sciences at Dortmund University, she served as the Federal Minister for Youth, Family Affairs, Women and Health before her election as president of the Bundestag in November 1988.

Mr. Speaker, I insert the transcript of President Sussmuth's address at this point in the RECORD:

THE FUTURE OF EUROPE

(Address by Her Excellency Prof. Dr. Rita Süssmuth)

Dr. Brademas, Excellencies, dear friends, ladies and gentlemen, first of all, let me thank you for having invited me to New York and for granting this opportunity to discuss the future of Europe with you today. And let me say in addition that it is a good practice to discuss politics within universities. Very often, we forget from where we have come. And we don't go back.

Perhaps one remark about my biography: It is difficult for women to start in politics. We have now more. And it was even more difficult to start from [the field of] education!

But I think up to now, until now, it is a very good background. And I don't deny it.

INTERDEPENDENCE OF EUROPEAN COMMUNITY

The future of Europe will be closely related to events in Germany, particularly the events that have been taking place since November and further events in the future. But it [the future of Europe] doesn't only depend on Germany. I think it is very important to recognize and to realize that it depends on deep changes within most East European countries.

And let me say at the beginning that we will be successful within all states or countries in the democratization process or none will be. So there is no isolated solution for Germany.

GERMAN/AMERICAN PARTNERSHIP

At the same time, of course, it will have a great deal to do with German/American partnership and the future relationship between the United States and Europe. Let me express our warmest regards, especially to President George Bush, and his tremendous support for German unification during the last month.

Of course, there are some experts and also political groups already discussing if the United States will still join us in the future. My clear position is that it is not the time to separate from the United States. Just the opposite is true. We need one another. And it is very important to continue our strong alliance because, for us as Germans, we know what we did to Americans after World War II and in awful systems of terrorism.

RESULTS OF THE MARCH 18, 1990, ELECTIONS

The situation in Germany today, immediately after the first free election ever to take place in the German Democratic Republic, will be a primary factor in this equation. And perhaps my impressions are very fresh and not yet very reflective. But perhaps, it is a first impression. I will give it to you, after the results of yesterday evening.

I followed the election returns yesterday and heard additional political analysis of the results of these first elections free and secret, after fifty-eight years. It's a very long time. How to comment on them?

First, the result for the Christian Democrats—41 percent—is at the same time a decision for the Federal Government of Chancellor Kohl. And that may be misleading, I realize, for the Social Democrats because they already seemed to be sure to be the

winners of this election. And they got the rate, the proportion, of 22 percent; the East German Communists, 16 percent; and the Liberals, 5 percent.

One thing which is amazing after forty—more than forty—years of election freedom, there are only four or five parties, as you know, from out of thirty-three groups and parties with candidates for the forthcoming of a new Parliament. And when we let aside the Alliance groups and three others—all the rest of the thirty-three have only 8 percent. So that means that very soon we will have a similar structure of parties in both countries.

VOTE FOR REUNIFICATION

Second, it is a decision in favor of a rapid process of unification. That means in terms of citizens from the GDR, a quick realization of a monetary union, of economic and social union. And I suppose that the voters gave the most votes for those they believe would better, would improve, their life conditions.

It is a vote for the accession to the Federal Republic, according to Article 23 of our Constitution. Or better, it is a vote against the preparation of a new Constitution. And it is a vote for unification but, of course—and this is very important—in accordance with the time schedule and in consultation with our European neighbors and American friends, because German unification has two perspectives, the internal one and the external one. And we don't want a quick success, but a solid success. And this can only be done with our friends and neighbors in the West and East, and not without our American friends.

Although people voted to unify as quickly as possible, they know very well that this process can only be successful when we take into account the vital interests of our partners in East and West, in West and East. And therefore, confidence is a key word in this process of unification.

IMPORTANCE OF PRUDENCE AND PATIENCE

The result of the election commits us, as Christian Democrats in the Federal Republic, to a higher level of responsibility and a careful sensitivity already expressed by Chancellor Kohl yesterday night. Because this is not the time for capital mistakes. This is the time for building up the future in Europe, peacefully and in a democratic way.

Disappointed are those intellectuals—and I mean by this, actors, poets, artists—who initiated opposition in the time of the ninth of October last year. Now they fear that in the near future, economic, financial policy might prevail. And this very moment, their critical positions are without public response. The majority of the citizens in the GDR called for liberty and wealth. And they are not willing to wait patiently for better life conditions.

This is the one problem we have to manage because we are in a process with very little patience to control emotions. Without controlling them, it can worsen.

RECENT EVENTS IN EASTERN EUROPE

Thinking back on everything that has happened in Germany and the rest of Europe since the end of last year, as I stand here before you here today at New York University, I almost have the feeling that I have seen a period of German and European history transpire in a time-lapse sequence.

We have overcome stagnation and confrontation in Europe. We have opened our borders. We have free speech, free meetings, democracy and self-determination. And finally, we now have the full abandonment of Stalinist-style communism and socialism. And I think after a long period with socialism, citizens in all East European countries and in the GDR are totally against it because they are really frustrated after such a period of being unfree.

After the emotions of a hard-fought election campaign in the GDR, we are now faced with a new situation in which the main questions are: How are things going to develop in Germany? And with the Germans? However, I would like to add the following two questions. First, has a German revolution as a part of the revolutionary process in East Europe brought about a change in Europe? And has this changed the future?

These are questions that concern all of us. The answers to them lie in three different areas. And I will attempt to give equal attention to each of them in a short way. What is involved are answers at the national level, answers at the European level, and the strength of the Atlantic relationship.

EXODUS FROM THE GERMAN DEMOCRATIC REPUBLIC

Let me begin by explaining what is involved in Germany. What concerns us most are the economic and social consequences of having opened the German/German border. Every day, about more than 2,000 people move from the GDR to the Federal Republic. The total number of transferees last year was around 340,000. Some 100,060 people have moved from the GDR to the Federal Republic thus far this year. Over 20,000 have arrived since the beginning of March.

That shows you that there is a kind of exodus from the GDR to the Federal Republic. With the political result of yesterday, there is some hope that this exodus will come to an end very soon. But we are not sure. Because people in the GDR are very impatient.

ECONOMIC UNION

The process of overcoming the division of Germany is taking place at breath-taking speed, making it difficult to manage. It is only with great difficulty that we are able to dominate this driving force. The current situation urgently requires economic and monetary union between the two German states.

Negotiation to this effect has been going on for months now. Considerable difficulty is going to be encountered in converting the GDR economy from a planned economy to a market economy, with a special system of public welfare and social guarantees. We call it, therefore, the social market economy.

Obsolete production methods in the GDR waste huge amounts of energy and create an equally huge amount of pollution. The level of productivity in the GDR is only about half what it is in the plants are generally in run-down condition. There are no efficient transport systems. There is an enormous need for renovation and renewal.

This also applies to the health sector, where there is an acute lack of physicians, medicines and medical facilities in general. Finally, there is an acute lack of telecommunications infrastructures.

Given this situation, the Federal Republic of Germany created an initiative for economic and monetary union, so as to make it possible to restructure economy of the GDR. Just how difficult this is going to be is illustrated by the following list of factors that are going to have to be dealt with: competition, price deregulation, private ownership of production facilities, reform of the tax system, liberalization of the capital market, and finally the formation of free labor unions.

Obviously, this is a tall order. And it is not something that can be done overnight. As such, the two parts of Germany are going to need time to grow together. There are dangers, and at the same time, big chances. More than seven hundred billion are necessary in the following years. It will take us time.

And after forty years of democracy in the Federal Republic of Germany, it seems to me most important to foster our democracy and the democracy in both Germanies.

FEARS OF A NEW GERMAN DOMINATION

I consider the fears being expressed in Europe and the United States unfounded that a kind of "Fourth Reich" might arise in Germany, and that Germany might become a dominant economic and financial power in the world, a gigantic economic steamroller.

I think it is not the historical situation to think in terms of old or new nationalism, or old or new super-powers. What we aim for in Europe is to become a community of responsible partners, responsible for Europe and the Third World. What we need is political and economic cooperation for mutual support.

IMPORTANCE OF ALLIES

The foreign and European policy problems arising from the German unification process are matters we will only be able to resolve together, with our partners and our allies within nations. This is not the time for neutralism.

The integration of our destiny and the future of Europe is a major responsibility for us and one we will not back away from. There is agreement on this between the politicians in the Federal Republic and those in the GDR. However, we have some difficulties in opening the minds of citizens in the GDR to European thinking. Too long was the time when they were separated from West European thinking.

And so it is important that we show them that there is no unification without European integration. And both have to go together. Because it is very important for our future, and I think for the future of other countries that it is done by human, European integration.

We do not seek German unity in isolation from the rest of Europe but rather in the European context and within the framework of the peace order and encompassing all of Europe.

REACTIONS OF OTHER NATIONS

And let me say there are very often a lot of irritations. Maybe we are not sensitive enough when we speak about the borders to Poland. Maybe we are not sensitive enough when we speak about our own problems. And other countries, especially in the Third World, are anxious that we are only concentrated on Germany or on Europe. And therefore, we need a lot of meetings and dialogue in order to explain our position and to plan unification and integration with our neighbors.

Let me emphasize that German unity is not an internal family affair for the Germans. Instead, the intention is to use it as a driving force for the unification of Europe and for further strengthening of the trans-Atlantic partnership.

We know we have still a long way before us, not only for internal reasons, but especially for external reasons. There are a lot of questions concerning the integration of the unified Germany we seek. But also we need a longer period of transition for that, especially when I think of all the questions concerned with security and defense.

We are just grateful to our friends and partners for the broad support they have provided in connection with overcoming the division of Germany. Twenty-two percent of the people in the United States share our wish for unification.

FORMAL ALLIANCES

We want to travel the difficult road that lies ahead of us together with you and our European partners. And we will continue to be a reliable partner in the time-tested system of Western democracy and in our joint alliances. We are members of NATO. There is no doubt that we continue our active role within NATO.

It is a question of stabilization in Europe. And so long as we have not worked out a new European peace offer, we have to fix those institutions which have proven their efficiency and their role for peace in Europe and all over the world.

Last year, President Bush encouraged us to be partners in leadership. To my way of thinking, this can only mean that we are first and foremost partners in a community based on responsibilty: responsibility for peace, for democracy and for human rights. Freedom, self-determination and respect for human rights as well as the other CSCE [Conference for Security and Cooperation in Europe] principles expressed in the Final Act prepare the way for the democratic revolution in Central, Eastern and Northeastern Europe.

Parallel to this, the Perestroika policy initiated by General Secretary Gorbachev became a driving force behind the broad, pro-democracy movement, emanating from Poland and Hungary. The smaller European countries have made major contributions to the democratic revolution in Eastern Europe. It is time for the Soviet Union to follow their example. The last decision concerning Article Six of the Soviet Constitution may be a good sign.

We, however, in Germany will never forget the courage of Hungarians in opening the borders to German free settlers. They open the door for freedom without asking what would be the disadvantage of doing so.

IMPORTANCE OF THE CSCE

The treaties we have concluded in the established state of trans-Atlantic relations provide us with firm ties. The same applies to the CSCE process which has now assumed an unexpected measure of vitality and importance.

The CSCE process that has developed since the Helsinki Final Act in 1975 is the best forum in which to negotiate on the future architecture for Europe as a whole. All the CSCE states—and this includes the United States, Canada and the Soviet Union—are interested in dynamic partnership and the conditions of stability and on the basis of cooperative responsibility.

I think that this will constitute the major test for the CSCE, and intensifying the CSCE process will create the potential needed to combine the restructure of Europe with the restructuring of Germany.

Today, the first CSCE conference on economic issues was opened in Bonn. The main problem in Europe is economic instability. It has threatened peace planning from Helsinki. In the future, we have to solve the different economic levels in Eastern Europe.

Therefore, it is not reasonable, perhaps even not helpful, to look for isolated solutions for the GDR.

The CSCE process has to form a framework for economic stability in Europe. The same position is expressed by the European Community in the last document. However, the way before us is still long and full of difficulties. We have to convince those who prefer to maintain existing reservations and restrictions in East/West cooperation.

UPCOMING INITIATIVES

But the timetable for all of this is already fixed. The two German states will necessarily be strong advocates of holding a special CSCE summit on the architecture of Europe as a whole before the end of this year.

The steps leading to a special summit of this kind are laid out in the "two plus four" talks agreed on in October. In the wake of yesterday's election in the GDR, joint talks will be conducted intensively between the two German governments and the four powers. These talks have already been initiated.

Parallel to this, there will be a special European Community summit at the end of April. The CSCE conference, this Fall, will be dedicated to the general structures of a European peace and security order. The conference must be a summit dedicated to stability.

POLISH BORDERS

Let me make it clear that we Germans do not want any borders shifted or any other border-related changes made in Europe. This applies first and foremost to Poland. As such, one of the first things the two German states will be doing after yesterday's election in the GDR will be to issue a joint political statement formulated by the two parliaments, the Bundestag and the People's Chamber, making it clear that the borders of the Polish nation will be secure and that we, too, consider the border permanent and inviolable.

And I proposed this already at the end of the year. And I was criticized. But I am very glad that now it is decided. The German Bundestag, of which I am Speaker, decided this definitely in March, on the eighth of March. Only a few days ago we reaffirmed in a joint statement with France that Poland is to be involved in the "two plus four" talks with the question of Poland's Western border is discussed.

In addition to this declaration, both governments, of the Federal Republic of the GDR, will prepare a treaty concerning a unified Germany and Poland. This [treaty] is without, or besides, their international guarantees. I think it is a bilateral act. It is necessary to give security and good understanding because all that we do for better understanding and even to build up friendships between our citizens and Polish citizens has no foundation when the question of borders is not clear.

Of course, we know that there is the problem of those who have lost their homes after World War II. But I think we have to be clear on this point. We started the Second World War. And we lost it. And a lot of bad things were endured by Polish people and other nations.

It is also the time to go forward, but not to forget what has been in the past.

ELEMENTS OF UNIFICATION

Let me repeat very clearly here in New York that a united Germany will only include the two German states and Berlin.

Let me say in the spirit of the CSCE Final Act that we Germans have no territorial claims against anyone. We want Germany unity together with our neighbors, with Europe, and with America. We want German unity to be a factor in European unity.

What we want is a common future for all Europeans, both in Eastern and Western Europe, in which the United States presence in Europe and European friendship with the United States would have a firm place. This is the clear German position.

For this reason, it is in our joint interest that the reforms in Eastern Europe are successful. Again, for this reason, they have a need to move ahead rapidly with a process of economic and political integration within the European Community. A united Germany will have more economic weight within a united Europe than the Federal Republic of Germany.

However, this economic strength will remain linked to the common economic and political objectives of the European Community as it develops toward European union.

1992 ECONOMIC ALLIANCE

As you are aware, an intergovernmental conference will be taking place at the end of this year on economic and monetary union within the European Community. The Germans are promoters of Europe. And they will be contributing their power to the future design of Europe at this conference.

SUMMATION

Ladies and gentlemen, one of the questions I asked at the beginning of this lecture was whether or not the process of German unification and the process of democratization in Eastern Europe have changed the prospects for the future of Europe. Europe changed. And its future will change, too.

Europe is no longer divided. The two blocs don't exist any longer. We can freely move from country to country. Europe is no longer separated into West and East Europe. The Soviet Union as a part of East Europe as well as the United States will play its important role in Europe.

It is not a good perspective to separate Europe from the United States. We need broader networks, not to return to past models of thinking and acting. Europe is open to freedom and democracy, no longer communism or socialism. Europe is open to all kinds of cooperation—economic, scientific, cultural, technical—instead of confrontation. It is open to a new security system.

Europe is changing, changing. But change needs stability. We must maintain a good defense of Western values, personal freedom, initiative and responsibility, peace, protection of nature, social justice and work for solidarity with those who are asking our help.

Stability is guaranteed by the European networks, by the institutions created after World War II, the Council of Europe, NATO, the European Community. Each of these institutions has its conscience, working together for human rights, security and economic development, for an open market. And there, we have to work carefully, without promising that very soon it is possible to open it for new members because we have, even there, to go step by step.

But we have a lot of means to have conferences and treaties in order to work together. We Germans are moving ahead towards the future of Europe with prudence, commitment and consistency. We are working towards the unity of Germany, together with our fellow Germans in the GDR, in the basis of an orderly process of gradual integration. And I think it is your concern to help us to have a good process.

Parallel to this process, we want to continue to strengthen our partnership with our American friends as well as to strengthen our integration within the European Community and in the context of our growing European peace order.

I appeal to you, our American friends, to travel this road together with us in the spirit of partnership, keep in mind our common values and our common responsibilities.

The British magazine, *The Economist,* asked at the end of the 1970s whether the Germans might be wunderkind or problem child. My answer: we learned our lessons of democracy. We are a normal nation, as others are, with good and bad attributes.

Last year, we were confronted with the radicalism on the right wing, the so-called "Republicans." Only one year later, we can say Republicans are a very small minority. Perhaps one of the best messages of the local elections in Bavaria yesterday is that they are very weak now. And they can't enter most of the parliaments. The last poll said one percent for the Republicans, and I think that is the success of democracy and, therefore, I think, it is a good message for Germany. But it is a good message for our friends.

And let us go always together.

THE ROCKY MOUNTAIN FOREST AND RANGE EXPERIMENT STATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1990

Mr. RICHARDSON. Mr. Speaker, I rise today to express my strong support for the vital work done by the Rocky Mountain Forest and Range Experiment Station.

The Rocky Mountain Forest and Range Experiment Station was established July 1, 1935, and included the States of Colorado, Wyoming—east of the Continental Divide—South Dakota, Nebraska and Kansas. They began by focusing on timber, range and watershed management.

Over the years, their work has grown to encompass nearly one-fourth of the Nation's land area—550 million acres in 10 States. Laboratories are located in three distinct geographic regions, each with contrasting research and management needs: the rugged mountains of the central and southern Rockies, the broad expanse of the Great Plains, and the deserts and forested plateaus of the Southwest.

Station scientists and cooperating colleges, universities and other agencies across the area, are seeking ways to improve the production of renewable resources, while protecting and enhancing environmental quality. Along with their cooperators, they are working to make the most efficient use of available skills and equipment, and solving a wide range of natural resource problems.

I believe the work being accomplished by the Rocky Mountain Forest and Range Experiment Station is vital to the continuing protection of our natural resources. I also believe that we should continue to be supportive of the station and to work with them in any way we can to ensure the longevity of our land and its resources.

I would like to take this opportunity to share with my colleagues the following statement made by Dr. Ed Wicker, the assistant director of the Rocky Mountain Forest and Range Experiment Station:

MANAGING CULTURAL RESOURCES

(Ed F. Wicker)

The material relics representing the cultures and land use of past civilizations are non-renewable resources that must be managed if they are to be available for the enjoyment and use of future generations. This resource base represents the major record of ancient mankind and linkage to present civilization. Understanding the history and prehistory of the nation depends to a large extent on our ability to interpret this record.

But reconstruction of the past is an inexact and time-consuming process. If we are to maintain the opportunity to improve understanding of our cultural past, it is imperative that we protect this resource from exploitation until scientists can evaluate and interpret its significance and value to reconstruction of the nation's heritage. One way to maintain this opportunity is through a positive, proactive cultural resources management program.

In the formative years of the Forest Service, the prevailing philosophy relating to cultural resources was one of preservation through protection. the Antiquities Act (1906) testifies to this position. Unfortunately, preservation through protection was perceived by most as synonymous with management. However, time proved this to be a false perception. As additional legislation dealing with cultural resources has evolved, we have seen a concurrent evolution of the philosophy to preservation of cultural resources through compliance with legislation. While progress is being made, we still have a way to go, and a concerned public is growing more impatient with Federal agencies entrusted with the responsibility to manage our heritage.

Although the concept of preservation still prevails, there are some current indications that the conservation concept is gaining momentum. Some of us believe that mere compliance with legislated mandates is inadequate to ensure conservation of our cultural resources for enjoyment and use by future generations. Thus, a positive, proactive concept is being advocated that will provide for the conservation of our cultural resources by integrating their management with other land use and resource management. The Forest Service is committed to this concept, but the knowledge, methodologies, and technologies for implementing the concept are not adequate.

To be successful in implementing this broader philosophy, some compromising is needed. Attitudes need to move more in the direction of conservation, and archeologists will need to assume a more active role in proactive management of these resources. Monitoring compliance to legislated mandates in itself is not sufficient.

Cultural resources are non-renewable resources of such value to warrant management. The Rocky Mountain Station is committed to this philosophy and support a strong, positive, proactive cultural resources management program. We perceive our role in this commitment as providing the information and technologies needed to implement and maintain a successful proactive management program. Also, we encourage natural resource management agencies to grasp the initiative for such protective management, and not be content with a reactive status.

TRIBUTE TO MRS. SELMA EULAU

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1990

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to Mrs. Selma Eulau, an esteemed constituent in my congressional district, who on the 13th day of February 1990, celebrated her 80th birthday, and who has rendered invaluable volunteer service throughout her life.

I commend Mrs. Eulau for her tireless and unselfish service, and for her sterling achievements, which should serve as a beacon of hope and inspiration to people everywhere.

Therefore, I wish to have entered into the RECORD the following resolution:

TRIBUTE TO HONOR MRS. SELMA EULAU ON THE OCCASION OF HER 80TH BIRTHDAY

(Resolution by Charles B. Rangel)

Whereas, Mrs. Selma Eulau is an esteemed constituent in my Congressional District in New York, who on February 13, 1990 celebrated her eightieth birthday;

Whereas, despite her length of years, Mrs. Eulau continues to actively serve in volunteer capacities throughout the community by visiting senior citizens housed in nursing homes, by working with the elderly who participate in activities at senior citizen centers, and by working at the Inwood YW-YMHA;

Whereas, Selma Eulau has been a lifelong volunteer in the Federation of Jewish Philanthropies of Greater New York;

Whereas, her volunteer activity represents the kind of tireless, unselfish and dedicated service that is needed in communities throughout this nation; and,

Whereas, her spirit of giving has so pervaded the fabric of her family and community that her service and achievements should not go without recognition: Now, therefore, be it

Resolved, That, to commemorate the eightieth birthday of and the outstanding service of Mrs. Selma Eulau, this resolution be entered into the Congressional Record.

THE BUSH ADMINISTRATION'S PLO COVERUP

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1990

Mr. GREEN. Mr. Speaker, as the following piece points out, "Refusal to criticize the PLO

has now become a cornerstone of Bush administration policy."

The State Department's refusal to hold the PLO accountable for its many acts of violence and inflammatory rhetoric is outrageous and clearly in violation of the terms established for the dialog the United States has entered into with the PLO. Such as approach greatly reduces incentives for the PLO to take meaningful steps toward a nonviolent resolution of the conflict, and erodes the development of trust and confidence which is essential to progress in the peace talks.

I commend the following piece from the Wall Street Journal to my colleagues, and I urge the administration to cease this senseless policy of blindly protecting the PLO from criticism or accountability.

Steven Emerson, formerly a senior editor for U.S. News and World Report, was awarded the Investigative Reports and Editors Award in 1988. Mr. Emerson specializes in national security and intelligence affairs, and is coauthor of the forthcoming book, "The Fall of Pan Am 103: Inside the Lockerbie Investigation."

[From the Wall Street Journal, Mar. 22, 1990]

THE BUSH ADMINISTRATION'S PLO COVER-UP

(By Steven Emerson)

A month ago, terrorists opened fire on a bus of Israeli tourists near Cario. Nine Israelis were machine-gunned to death. When the Palestine Liberation Organization issued a statement that appeared to justify the attack, the Egyptian government made its fury known to the PLO and the world media. And what was the official American reaction to the PLO statement? Nothing. Not a word.

Refusal to criticize the PLO has now become a cornerstone of Bush administration policy. The latest manifestation of this disposition to white-wash the Palestinian group is the report the State Department presented to Congress on Monday, as required by the PLO Commitments Compliance Act enacted last month.

In December 1988, Yasser Arafat told the world that he "renounced" terrorism and "recognized" the state of Israel. By uttering those magic words, Mr. Arafat immediately gained the recognition of the U.S. But Mr. Arafat has a long history of saying one thing and doing another. In fact, just one month before, Mr. Arafat had been denied a visa to the U.S. by the Reagan State Department because it found that, despite his claims that he had abandoned terror, he was directing terrorist acts through such front groups as Force 17 and the Hawari Organization.

CONDEMN TERROR

At the first meeting between U.S. and PLO representatives in December 1988, the Americans told the PLO—according to a list of "taking points" recently published by the Israeli government—that the dialogue would be broken off if the PLO resumed terrorism: "No American administration can sustain the dialogue if terrorism continues by the PLO or any of its factions." In addition, the U.S. required the PLO to "publicly disassociate" itself from "terrorism by any Palestinian groups operating anywhere." Finally, the U.S. said that it expected the PLO to condemm any terrorist act carried out by "any element of the PLO" and to expel that element from the PLO.

The Bush administration maintains that the PLO has met those conditions. Monday's State Department report says, "the PLO has adhered to its commitment undertaken in 1988 to renounce terrorism."

But what about the numerous terrorist attacks on Israel since December 1988? The State Department report reluctantly acknowledges that nine "border attacks"—the new diplomatic euphemism for terrorist attacks—against Israel have been-launched by "constituent groups of the PLO" over the past 14 months. Those incidents do not invalidate the report's conclusion, the report says, because "the intended target of the attack in which the report concedes that "civilians appeared to be the target." But the three attacks directed at civilians were, the report insists, neither authorized nor approved by Mr. Arafat or the PLO Executive Committee.

All of this is dangerously misleading or positively untrue. The State Department report omits any mention of the multiple terrorist attacks carried out by groups that sit on the PLO Executive Committee, including raids by Mr. Arafat's Fatah group. Constituent groups of the PLO have openly taken credit for more than 18 attempted terrorist attacks on Israel from Lebanon, Egypt, Jordan and the Mediterranean over the past 14 months. In the West Bank and Gaza, many Palestinians have been murdered at the explicit—and documented—direction of the PLO and Fatah.

As for the nine PLO that the State Department report does acknowledge, it is not true that there is no evidence about their targets. There is clear and compelling evidence that the intended target of each one of them was civilian.

To take just one example: On Jan. 26, three guerrillas armed with machine guns, grenades and explosives attempted to penetrate the northern Israeli border from Lebanon. Intercepted by Israeli soldiers, the squad was killed in a shootout. In the terrorists' possession, besides weapons, was a man revealing one—and only one—target: a kibbutz called Misgav Am. The group that claimed responsibility for the abortive Misgav Am attack—as well as five others that were equally unsuccessful—is the Democratic Front for the Liberation of Palestine, which sits on the PLO Executive Committee. One of the DFLP's senior officials, Yasser abd al-Rabbu, is the head of the PLO delegation to the U.S.-PLO dialogue in Tunis.

Confronted with this accumulation of evidence, State Department spokesman Adam Shub averred: "None of the cross-border attacks has succeeded, so we don't know what the targets would have been. Therefore we can't call them terrorist. We don't know what they were planning." The State Department dismisses the written evidence from the Misgav Am raid as "inconclusive." When offered transcripts of the confessions of captured terrorists by the Israeli government, the State Department said that the interrogations were not "reliable." When offered an opportunity to interview the captured guerrillas firsthand, the U.S. refused.

When the Bush administration finds itself unable to deny that an attack occurred, it blames some rogue Palestinian element, never the PLO itself. As Monday's report puts it, "We have no evidence in those cases or any others that the actions were authorized or approved by the PLO Executive Committee."

But this is to misunderstand how the PLO works. The PLO is an umbrella organization, and its central committees do not attempt to control the operations of its member groups. The issue is not, what does the PLO Executive Committee order or authorize; the issue is, are the groups that constitute the PLO complying with the commitment they collectively made to the U.S. in December 1988? As State Department spokesman Charles Redman said in March 1989, "If the PLO cannot or will not exercise such control, it raises questions concerning the commitment undertaken in the name of the PLO—indeed, questions about the PLO's ability to carry out its commitments."

The Bush administration is particularly at pains to avoid criticism of Mr. Arafat's own Fatah wing of the PLO. On Dec. 5, five guerrillas infiltrated the Israeli Negev from the Egyptian Sinai. They carried no identification and the labels in their clothes have been cut out—all they had were Kalashnikov rifles, explosives and 51 grenades. Israeli soldiers intercepted them.

Faced with incontestable documentation that the five were affiliated with Fatah, John Kelly, assistant secretary of state for Near East and South Asian Affairs argued before Congress three weeks ago that while "there may have been Fatah members involved," they were "operating without sanctions from their leadership." In private conversation, though, State Department officials have admitted Fatah sponsorship of the attack. It is highly unlikely that Mr. Arafat, a man who insists on approving the smallest actions of his Fatah organization, down to the purchase of its fax machines, could have been unaware of it. The attack is not mentioned in the State Department report.

The contortions the Bush administration goes through to protect the PLO can verge on the grotesque. Last August, a Palestinian fundamentalist from Gaza wrenched the steering wheel of an Israeli bus away from the driver. The bus plunged into a ravine; 15 Israelis and one American were killed. The terrorist act was captured on television, and within six hours of the incident, the Israeli government had provided a detailed accounting of the attack.

The usual unnamed State Department official termed the event "senseless" and "tragic"—but categorically refused to label it an act of terrorism.

WHY THE DELAY?

Only after two days had elapsed—and after a bitter Israeli protest that the Bush administration's failure to condemn the murder gave a "license to kill to every Palestinian individual or organization"—did the State Department see fit to label it a terrorist attack. Why the two day delay? A State Department spokesman said at the time that the U.S. had only belatedly acquired the necessary information. But in fact, according to a senior U.S. official, the real reason was that the Bush administration was afraid that the mass slaying had been a PLO operation. Only when PLO responsibility was ruled out did the administration feel free to call it a terrorist operation.

Last summer, the Israelis dispatched Yigal Carmon, the Israeli government's adviser on counter-terrorism, to Washington with proof—maps, documents, leaflets—that, despite the American "talking points," PLO groups had not ceased their terrorist raids. He also brought tapes of speeches in Arabic by Mr. Arafat in which he condoned terrorist attacks.

State Department officials at first refused to meet with Mr. Carmon, before finally agreeing to a perfunctory meeting. But the Bush administration apparently did not feel confident that others would find Mr. Carmon's documents quite so uninteresting—so he was instructed not to speak to Congress and the media.

On March 1, Secretary of State James Baker testified before Congress, ". . . we have not received or seen evidence of complicity or encouragement or acquiescence by [Mr. Arafat] of terrorist activity." If Mr. Baker has not seen the evidence, it is because he has ordered his underlings not to collect it.

UTILITY WORKERS UNION OF AMERICA, LOCAL 1-2, CELEBRATES ITS 50TH ANNIVERSARY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1990

Mr. MANTON. Mr. Speaker, on April 4, 1990, the Utility Workers Union of America, Local 1-2 of New York, will celebrate its 50th anniversary. The utility workers of local 1-2 have a long history of dedicated service in New York and play a vitally important role in the economic health of New York City. Every day, utility workers make certain the energy demands are met for New York's businesses, private residences, schools, hospitals, and transportation system.

Local 1-2 has fought tirelessly to improve health and pension benefits for its workers. Over the past 50 years, the union also has worked to strengthen safety standards in the utility industry. Despite this outstanding effort, utility workers continue to face many hazards on the job. Last summer, two dedicated utility workers, Joseph Malfatti and Steven Walsh, lost their lives after a mechanical failure caused a steam pipe to explode. A fire at the Hell Gate Powerplant in the Bronx this winter took the life of Luciano Seminerio. These deaths make it tragically clear that working in the utility industry will never be without risk. However, I know that local 1-2 will continue the fight to make certain safety standards and regulations provide the greatest possible protections for utility workers.

Mr. Speaker, I urge my colleagues to join me in congratulating the Utility Workers Union of America, Local 1-2 on 50 years of outstanding service in New York.

A TRIBUTE TO LT. RALPH H. FUSSNER

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1990

Mr. McEWEN. Mr. Speaker, as public servants, we have the frequent opportunity to meet and work with scores of dedicated individuals who play a critical role in the functions of the communities in our home States. They are our counterparts in State, local and city government who hold and faithfully execute the responsibilities for making, interpreting and enforcing the law at the local and statewide level.

Occasionally, among those many devoted State and local officials, we find an individual of such unusual distinction and accomplishment that his work requires special notice. That is my purpose in rising today.

It is with great pride and pleasure that I ask you to join me in recognizing Lt. Ralph H. Fussner (Ret.) upon his retirement from the Ohio State Highway Patrol. Upon becoming acquainted with Ralph Fussner's career, I am confident that our colleagues will be anxious to join the officers of the Ohio State Highway Patrol along with Lieutenant Fussner's family and friends in saluting his contributions to law enforcement, safety and to civic responsibility.

Lieutenant Fussner's 29-year career with the highway patrol began in August 1961 as a dispatcher at the Hamilton Post. In November 1961, he entered the patrol academy as a member of the 58th academy class, and graduated in July 1962. Following successful stints as a patrolman stationed in the Portsmouth and Georgetown posts, and was promoted to sergeant in the Hamilton post in 1968. Finally, his ascension through the ranks of the highway patrol culminated in his promotion to the rank of lieutenant on June 7, 1976, and his assuming leadership of the Xenia post. Lieutenant Fussner guided the Xenia post until his retirement on January 12, 1990.

But to fully understand and appreciate Ralph Fussner, one must look beyond his life on the job. While dutifully performing his job as a peace officer, Mr. Fussner has been an active member of the Full Gospel Business Administration. He has also served as president of the Greene County Law Enforcement Association. Ralph and his wife Marjorie have three children, including a son who has followed in his footsteps and is presently a member of the Dayton post of the highway patrol.

Ralph Fussner is one of those special people who, in addition to giving so much to their professional responsibilities, make generous use of their spare time to the added benefit of all our lives. It is difficult to place an exact value on the many contributions Ralph has made to life in Ohio, as a patrolman and as an involved citizen. It would be still harder to try to imagine what life in Ohio would have been like if we had never known Ralph Fussner. But Ohio has been fortunate, Mr. Speaker, very fortunate.

Mr. Speaker, the Ohio State Highway Patrol protects the lives and property of the citizens of Ohio every day. Through tireless effort and dedication to the duties of the highway patrol, Lieutenant Fussner earned the gratitude and respect of all whom he served. I urge my colleagues to join me today in commending Lt. Ralph Fussner for his years of honorable service as an exemplary member of the Ohio State Highway Patrol and, equally important, as a caring friend and neighbor.

Our best wishes should rightfully go to Ralph, Marjorie, and their family as they enjoy the fruits of a well-earned retirement. I know that Ralph will remain dedicated to his lifelong pursuit of an ideal: active and continuing good citizenship. It is an honor to have had Ralph's friendship for these many years. I know that his good health and faithful service will give him many years of joy ahead.

JEFF WICE: MAKING SENSE OF THE CENSUS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1990

Mr. SOLARZ. Mr. Speaker, yesterday, April 1, was census day. It was the day for all residents of the United States to stand up and be counted. It was the pivotal day in the most comprehensive and complicated census that our Nation has ever undertaken.

I am sure I do not have to remind my colleagues of the critical importance of a fair and accurate census. The 1990 census will determine the amount of representation each State will have in the House, and will also define the makeup of the State legislatures. The data generated by the census will greatly impact on the levels of Federal and State aid that will flow to our constitutents over the next decade.

Mr. Speaker, the census is a terribly complicated matter. But few individuals can make sense of the census like Jeffrey M. Wice, a Washington attorney who is recognized as one of the Nation's leading experts. I have known and worked with Jeff since the late 1970's when he began his tenure as the Washington representative of the New York State Assembly. Ten years ago, Jeff worked valiantly to try to prevent an undercount in New York, and this year, he is again taking a lead role in the fight to ensure a fair and accurate census.

I would like to commend to my colleagues the following profile of Jeff Wice that was written in the prestigious National Journal:

WATCHING FOR UNDERCOUNT IN 1990 NATIONAL CENSUS

(By Dick Kirschten)

April 1 is Census Day, and for most Americans, it is a wholly apolitical occasion that occurs but once every 10 years. For Washington Lawyer Jeffery M. Wice, nothing could be further from the case.

The 37-year-old Wice, who runs marathons for diversion, has been tracking the census process virtually full-time for the past dozen years. The reasons for his long-running preoccupation with the population count are purely politicial.

Wice has become something of a one-person repository of information about redistricting and reapportionment. Reporters frequently cite him as an "expert source" on court rulings and other legal intricacies that will guide next year's reallocation of political power and economic benefits.

Mostly, however, his expertise will be brought to bear on behalf of the Democratic Party. His two biggest clients are New York state's Democratic Assembly Speaker, Melvin H. Miller, and the Democratic State Legislative Leaders Association.

Wice, in an interview, said his employers share a "concern that a bad census will hurt Democrats because the populations that will be undercounted are urban and minority populations, and that is the basic strength of the Democratic Party."

At the Census Bureau, such statements rankle. A senior official who asked not to be named charged that Wice seems less interested in avoiding an undercount in 1990 than in publicizing the one that occurred in 1980. The official charged that New York City is doing less than other major cities, particularly Los Angeles, to help assure a complete count.

The official speculated that New York politicians want to discredit the census in hopes of staving off reapportionment for another 10 years, as happened following the 1920 census. New York has good reason not to welcome census results, having lost seven congressional seats since 1970 and facing an expected loss of three more next year.

But Marshall L. Turner Jr., the Census Bureau's liaison to state legislative leaders, said that Wice, whom he has known since 1978, is "well regarded on both sides of the political aisle as a legal technician" on districting matters. Turner added that during his 26 years with the bureau, he has never seen so much support from state officials, including New York's, in "trying to get a good count."

Wice, who averages one day a week in New York, worked with Assembly leaders to form a tax-exempt, not-for-profit corporation, New York Counts, that hopes to raise $100,000 for census promotion activities. In Albany, he has helped film public-service announcements about the census and has encouraged legislators to use their district offices as census community-assistance centers.

Such activities, Wice said, demonstrate that "as Democrats, we believe in a full and complete count." He says he believes, however, that undercounting inevitably will occur this year because of increases in homelessness and in non-English-speaking and immigrant populations. "It is not the bureau's fault that the fabric of America has changed so much since 1980," he said.

Wice has been immersed in politics since childhood. His father was Republican committeeman on Long Island. In high school, however, Wice became a follower of Robert F. Kennedy and has labored for Democratic causes and candidates ever since.

While attending Antioch Law School from 1978-82, Wice directed the New York Assembly's Washington office. In preparation for the 1980 census, the Assembly's Democratic leadership asked Wice "to find out what the census and redistricting are all about." At that point, he said, "the Democrats had never controlled the Assembly during a redistricting year."

Since his first visit to the Census Bureau's headquarters in 1978, Wice has concentrated on learning how to help legislative leaders and staff make use of census data and the various laws that affect the drawing of congressional and legislative district lines. His initial experience, when New York lost five House seats after the 1980 census, was a rough one. "I was the messenger who had to tell three [Democratic] Members they didn't have seats to go back to," Wice recalled.

Of all his political mentors, Wice cites the late Allard Lowenstein as the most special. A part of that legacy that motivates his current activity, he noted, is the recollection that Lowenstein "was gerrymandered out of his House seat in 1971 by Republican leaders in the Legislature."

Now affiliated with O'Connor & Hannan, a Minneapolis-based firm, Wice described his work "as a continuation of what Al Lowenstein believed in and worked for: civil rights and voter empowerment."

INTRODUCTION OF LEGISLATION TO REPEAL THE EMPLOYER SANCTIONS PROVISIONS OF THE IMMIGRATION REFORM AND CONTROL ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1990

Mr. RICHARDSON. Mr. Speaker, last Thursday the General Accounting Office released its third and final report on employer sanctions and the question of discrimination. Under the Immigration Reform and Control Act [IRCA], if the GAO reaches the conclusion that employer sanctions are causing a "widespread pattern of discrimination," expedited procedures are triggered to consider a joint resolution repealing these onerous provisions. I am today introducing a joint resolution to this very effect.

The GAO's conclusion is unambiguous; it states clearly that nearly 20 percent of employers are presently practicing discrimination against "foreign appearing" individuals seeking work. Furthermore, the GAO states "the discrimination GAO found is serous and requires the immediate attention of both Congress and the administration.

Mr. Speaker, despite my belief that employer sanctions would lead to discrimination, I supported the Immigration Reform and Control Act in 1986. However, my support was contingent on the understanding should the GAO find widespread discrimination, the employer sanctions provisions would be repealed. I believe a great many of my colleagues based their support on this same understanding.

I encourage the House to act on this measure quickly. To delay would only continue the injustice which has been suffered by thousands of U.S. citizens and legal residents who wish to work and build a better life. I look forward to working with all my colleagues and interested parties to assure the employer sanctions are repealed. The Congress should promote policy and legislation which removes barriers, not creates them. Let us work to remove this injustice, this barrier to opportunity.

IN SUPPORT OF H.R. 4328

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1990

Mr. DE LA GARZA. Mr. Speaker, I want to rise in support of H.R. 4328, a bill combining authorizations of appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the Office of the U.S. Trade Representative for fiscal years 1991 and 1992. The package also contains miscellaneous customs and trade law provisions.

My foremost concern is the operation of the Customs Service. This is quite important to my area, the 15th District of south Texas.

The administration's request would have reduced Customs staffing positions and that is something I just do not feel we can allow to happen. I hear daily about the ever-increasing Customs workload and must say that if anything I feel more positions are needed. That is why I am happy to see that the Ways and Means Committee rejected the administration's request and authorized an increase of 694 positions over the existing appropriated level. I am also happy to see that the authorization provides for program increases requested by Customs in areas such as improvements in internal controls and money laundering enforcement, as well as increased inspectors along the southwest border.

There are many reasons this increased funding is significant, but I feel it is important to highlight that as we wage the war on drugs it is only with such funding as this that Customs will be able to effectively function.

In the years to come there is no question that the workload these agencies face will be more and more demanding. This exacting workload must be met. Our country's trade policy objectives must be met. The trade and customs laws of our Nation must be enforced. The budgets we are authorizing today will ensure that for the next 2 years they are.

CHERRY BLOSSOM PRINCESS AMY K. SULLIVAN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Rhode Island's representative in this year's National Cherry Blossom Festival.

Amy K. Sullivan, of Narragansett, RI, has been selected as Rhode Island's princess for the 1990 Cherry Blossom Festival. She currently attends Georgetown University here in Washington, DC, majoring in economics.

Since 1927, our Nation has celebrated the planting of the cherry trees along the banks of the Potomac. The Cherry Blossom Festival has become a symbol of friendship and cooperation between the United States and Japan. The Festival has also become an annual occasion for celebrating the beginning of spring. The festival has grown into week-long series of events and ceremonies in the Washington area, including the celebrated Cherry Blossom Festival parade.

I would like to congratulate Amy for her selection as Rhode Island's cherry blossom princess. I wish her the very best during this year, especially during the Cherry Blossom Festival week.

CONEMAUGH VALLEY CHAPTER OF GOODWILL INDUSTRIES SALUTES VOLUNTEERS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1990

Mr. MURTHA. Mr. Speaker, I would like to take a moment to salute the Conemaugh Vallely Chaper of the Goodwill Industries and

Goodwill volunteers as Goodwill Week 1990 approaches.

Goodwill Week will take place this year from May 6–12. I hope that we will all take a moment that week to reflect upon the work that the Goodwill Industries and the Goodwill volunteers do year round for the people in our communities all across the country who are in desperate need of assistance. Goodwill volunteers are quietly finding food and clothing for families who are struggling to make ends meet. They are selflessly taking time out of their busy lives to help those in need, and as we reflect on the services these individuals are providing for our communities, I hope we can take the time to say thank you to them for their efforts.

I would like to say a special thank you to the individuals in the Johnstown, PA, community who make Goodwill Industries such an important organization for the people in our area who are in need of assistance. The Conemaugh Valley Chapter of Goodwill Industries will be saluting these volunteers who give so much of their time during Goodwill Week. I want to join in this salute to these special people, and wish them well in their continuing efforts to provide help to the Johnstown community.

SALUTE TO TAKOMA PARK, MD

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1990

Mrs. MORELLA. Mr. Speaker, I rise today to salute the city of Takoma Park, MD. On Tuesday, April 3, 1990, Takoma Park celebrates the 100th anniversary of its incorporation as an independent municipality.

Takoma Park is a very special place. One of the oldest suburbs of Washington, DC, it was founded in 1883 by B.F. Gilbert, who served as the city's first mayor. Because of its architectural heritage—its Victorian and early 20th-century homes—one-third of the city is listed on the National Register of Historic Places.

Each spring, people from all over metropolitan Washington come to Takoma Park to see its magnificent azaleas in both public and private gardens. Many of the town's early residents were Department of Agriculture botanists who left an enduring tradition of beauty to the town.

First-time visitors to Takoma Park always notice the towering oaks, maples, elms, and other trees that line the city's streets and add grace and beauty to its homes. Several years ago, the city council, mindful of the aesthetic and environmental importance of the city's trees, passed an ordinance that prohibits the arbitrary cutting down of healthy trees.

Takoma Park's concern for the environment is also reflected in the city's successful recycling program. The first jurisdiction in Maryland to establish a mandatory recyling program for newspapers, aluminum, and glass, Takoma Park now serves as a national model for small cities.

At the heart of Takoma Park's uniqueness are its citizens who give the town its sense of community and its reputation as an energetic and progressive city. United by a common bond of concern for the special place in which they live, the people of Takoma Park are an enviable mixture of all ages, all nationalities and races, all religions, all income groups, all occupations, and all opinions.

I am proud to represent this historic, public-spirited city in the U.S. Congress.

TRIBUTE TO FIRE CHIEF LOUIS A. SHEA, JR.

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1990

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to Fire Chief Louis A. Shea, Jr., on his retirement from the Fall River Fire Department after 42 years of dedicated service.

I first met Chief Shea through his son, Tim, who is a member of my Appropriations Committee staff. Chief Shea's reputation among the fire chiefs of Massachusetts is outstanding and well known. Throughout the Commonwealth, Chief Shea is recognized for his expertise in fire department management, his professionalism and his advocacy for first-class training programs and facilities. Because of this experience, Governor King appointed Chief Shea to the Massachusetts Fire Training Council, and he was reappointed by Governor Dukakis. He served on the council for 6 years.

The respect for Chief Shea extends to the professional firefighters association as well. The late and great Dusty Alward, president of the union always spoke very highly of the chief. Dusty recognized the evenhanded management, and he knew that all of the chief's tough decisions were based on the best interest of his men, the city, and the people of Fall River. This recognition is truly a testament to the fair and professional approach the chief took in managing the department.

Chief Shea began his long and distinguished career in the fire service 42 years ago, when on February 2, 1948, he joined his father as a member of the Fall River Fire Department. In fact, the Shea family had a tradition of fire service long before the chief joined the department. His grandfather, Michael Shea, joined the department in 1896 as a firefighter. In 1923 he was appointed a dispatcher and served in the same building that later would house his grandson's office as chief. Michael Shea served the city of Fall River for 42 years. Louis A. Shea, Sr., the chief's father, joined the department in 1920 and served 36 years. For 94 years, from 1896 to 1990, a Shea served on the Fall River Fire Department, providing a total of 120 years of accumulated service to the people of Fall River.

This family tradition of service was only exceeded by the chief's own distinguished career. After graduation from Coyle High School in 1942, he attended Providence College for a year, commuting each day from Fall River. During World War II, from 1943 through 1946, he served in the U.S. Navy, stationed at Bethesda Naval Hospital in Washington, DC. There the chief followed a lifelong interest in medicine. He returned to Providence College with an eye toward completing his degree and moving on to medical school. However, when he was a junior at P.C. the chief joined the fire department, working his way through school. Determined to get a college education, the chief often worked the all night shifts to earn the money he needed to attend classes during the day.

Chief Shea remained on the fire department after graduation, the first firefighter in the department's history to earn an advanced degree. He rose through the ranks, competing each time for the civil service positons. He was appointed lieutenant in 1957, captain in 1969 and district chief in 1971. In 1977, after achieving the highest score on the State administered examination, he was appointed fire chief, a position he held with distinction for 13 years.

During his tenure as the department's executive officer, Chief Shea reformed and expanded the city's emergency medical services, a project for which he was commended by the city council; he built two new fire stations and launched plans for a third; he formed an arson task force to combat a rash of arson-for-profit fires that plagued the city in the late 1970's and the early 1980's; he modernized the fleet of fire service equipment; he expanded the fire prevention and education program; he launched a regular inspection program for industries and public buildings; he fought some spectacular fires, including the internationally known Notre Dame Church fire, which threatened an entire residential neighborhood and the Kerr Mill fire, which destroyed businesses and threatened homes; and he witnessed several of his men killed in the line of duty, a tragedy for everyone, but affecting firemen hardest of all.

Chief Shea's administration was surely eventful and important for the department, but there's another aspect of the chief's leadership that is not easily quantified in specific events or statistics. The leadership quality that earned the respect of his fellow chiefs around the State and the union alike was best put in a recent editorial published in the Fall River Herald News. The paper said of the chief: "In the battle against major conflagrations, the very presence of the Chief was reassuring. A quiet, dignified man, he communicated his concern for the safety of fire victims, spectators, and his own men, who returned his confidence with steady heroism. They knew he would never ask them to endure any danger he had not experienced himself."

Mr. Speaker, it's this quiet leadership by example that earned Chief Shea his reputation for honesty, hard work, even handedness, fair play, and professionalism. At the end of this long and distinguished career, I salute the chief for his years of service and wish him the best in retirement. The city of Fall River and the State is at a loss with his retirement.

For the RECORD, Mr. Speaker, I will include several newspaper and magazine articles that highlight Chief Shea's service and career, and I am sure the House joins me in wishing him the very best:

CHIEF SHEA MADE OUR LIVES SAFER

On his 42nd anniversary—to the day—of being sworn in as a firefighter, Fire Chief

Louise A. Shea, Jr. will retire from the Fall River Fire Department Feb. 2.

For all the stress and high responsibility of his job. Chief Shea appears younger than his nearly 65 years. Throughout his 13 years as Chief, he has given an example to all public servants in the ideal use of authority—even-tempered, patient, yet clear, and consistent in purpose, and compassionate to the bereaved and the homeless.

He is proud to be a third-generation member of a family of Fall River firefighters. His grandfather, Michael Shea, joined the department in 1896; his father, Louis A. Shea Sr., in 1920. The combined service of the three men amounts to 94 years.

During his studies at Providence College, younger Louis Shea worked as firefighter on the night shift. He had thought of becoming a doctor, but, as destiny ordained, he chose a vocation that would call on all his life-saving skills.

In the battle against major conflagrations, the very presence of the Chief was reassuring. A quiet, dignified man, he communicated his concern for the safety of fire victims, spectators, and his own men, who returned his confidence with steady heroism. They knew he would never ask them to endure any danger he had not experienced himself.

The first member of the city department to hold a college degree, Chief Shea shared his humanistic view by educating the public in fire prevention. He launched a regular inspection program of industries and public buildings.

He was cited by the City Council for developing the department's emergency medical service. Back in 1973, District Chief Shea was placed in charge of the new ambulance service, which had been transferred to the Fire Department from the former Hussey Hospital. A nationally registered Emergency Medical Technician, he has also been an instructor in fire science and medical care.

After four decades of guarding the city's safety, Chief Shea has earned a more leisurely schedule. Wherever he goes, in Fall River or Maine, respect and warm affection will be with him.

FIRE SAFETY RULES FOR THE FUTURE

Retiring Fire Chief Louis A. Shea forecasts that Fire Departments of the future will face a more complex and dangerous society.

Strategy and equipment must protect firefighters from deadly fumes emitted by plastics and chemicals.

Emergency medical services must be top-notch. Soon, Fall River EMTs will have defibrillators to assist victims of cardiac arrest.

Since Proposition 2½, staffing has been reduced, yet tasks have expanded. Personnel must be in top physical condition, and develop new insights through continuing education.

New fire stations, like the proposed North End station, must be built to provide quick response to areas of growing population.

In addition, everyday citizens can help by observing fire prevention rules at home and at work. It's the best way of showing appreciation for those round-the-clock heroes, our firefighters.

FIRE CHIEF SHEA RETIRING FEB. 2

(By James N. Dunbar)

FALL RIVER.—When Fire Chief Louis A. Shea Jr. winds up a 42-year-career next month, it will end three generations of the Shea family to have served the city as firefighters.

Shea will leave the department Feb. 2, the 42nd anniversary to the day of his being sworn in as a firefighter in 1948.

It marks a tenure during which he structured a department with more services yet fewer members; built new stations and acquired new apparatus; increased fire prevention programs and mill inspections; and pressed for quicker response time.

It was also an era when new plastic goods and chemicals—and the deadly fumes they emit when ignited—demanded dramatic changes in firefighting equipment and strategy surpassing potential blazes in 90 old mill buildings citywide. Shea met those demands.

He faced some of the city's biggest fires including the Kerr Mill inferno. Also one of the saddest and most dangerous fires, the loss of Notre Dame de Lourdes Church. Shea "agonized" over potential loss of life in the latter as he made the tough decision to fall back and fight from Pleasant Street.

But except for fortune itself, Shea's leadership may never have happened.

He was eyeing medical school after graduating from Providence College's pre-med program in 1949. During his senior year he worked nights as a firefighter.

After all, his father, the late Louis A. Shea, Sr., had been a fire fighter, joining the department in 1920. So had his grandfather, Michael Shea. He joined the department in 1896 and was a dispatcher when the Pine Street fire alarm headquarters opened in 1923.

Shea, who will be 65 on April 27, in an interview Wednesday recalled his career; 13 years as chief; the changes; and what lies ahead.

"I want to retire on my anniversary date," the city native who resides with his wife Jean (Kowalski) Shea at 47 Greenlawn St. said. "I have no real retirement plans. But we've bought a house in Maine."

After graduation from Coyle High School in 1942, he did a year at PC; served in the U.S. Navy from 1943 to 1946; and was a junior at PC when appointed a firefighter in 1948. "a good friend, the late Tommy Loftus, worked all my day shifts for me so I could get my education."

Shea became the first member of the department with a college degree. "That has changed. Many of the men now have college degrees," he said.

But Shea didn't get into medical school. "Competition was very keen." So he stayed on the department. He served at several stations and rose thorugh the ranks. He was appointed lieutenant in 1957, captain in 1969 and district chief in 1971. He succeeded the late Fire Chief Thomas J. Moore in 1977.

Shea cited the "tremendous changes" since he began. "We have greater responsibility now, with emergency medical services. The environment we work in, with plastics and toxic wastes has changed too. It means more time inspecting industries—in prevention programs. More emphasis on that is forthcoming. I've enlarged the fire prevention bureau. That partly, I feel, is why we have less fire runs than ever before."

He added that: "In good economic times we have less fires. In poor times we encounter more arson. In the last few years the economy has been good and we have had much fewer big fires."

Shea remembers when most of the calls were for wood stoves, oil burners chimneys, and faulty space hearters. The later have been outlawed.

"Much or everything in use today has plastic in it. When it burns it gives off poisonous fumes. It takes a toll on firefighters. That's why we require every man to wear a mask (self contained breathing apparatus) at fires. We never wore them years ago. If one did, he was considered a sissy. We had macho people who had to be smokeaters. Well, it took its toll on them."

In 1973 Shea was given command of the emergency medical service. The former Hussey ambulance and its drivers were made part of the department.

"The program now is more sophisticated. The crews are highly trained in offering a variety of emergency medical service. The public has been very complimentary of our services," said Shea.

This year, the department will purchase defibrilators and train crews in giving vital first assistance to those suffering heart attacks. "It will save more lives with quick response and transport to medical facilities."

Service expansion is in place although the department has fewer members. "When Proposition 2½ came in the late 1970s, the department lost 37 men. We now maintain a complement of 255 men." They man eight pumpers and four ladder trucks, fire rescue and two medical rescue vehicles, and some back-up apparatus.

As a new chief in 1977, he was key to building a new Niagara fire station. Last year the new Flint Station was built. And shortly the bids will be out for a new station at the Fall River Airport to handle the population explosion in the city's North End. It will have a new, economical, combination ladder and pumper vehicle Shea has requested.

He has keyed on a program to rehabilitate fire apparatus rather than purchase new ones. "We had pumps overhauled and repainted and they came back like brand new. It gives the city another 10 to 15 years more service from them. The costs are approximately $40,000 per truck as compared to $150,000 for new trucks."

"The money amounts have changed too," said Shea. "The department now has a $9.5 million budget. When I started it was only $3.5 million. As a young firefighter I received $50 a week. The salaries now are close to $500 a week. It's only right. The responsibilities warrant the pay."

Among the unhappy memories are the Beauregard Apartments on Pleasant Street in 1983 when five occupants were killed. "It was horrible. That fire was set."

One of the good memories is work by the department in rescuing 14 people from a flaming apartment house on Blackstone Street after the two entrances were blocked by smoke and flames.

While there has been a minimal loss of life among his on-duty firefighters, Shea laments their deaths. He spoke of how Lieutenant Bernard died in a smoky fire when the officer's air supply ran out; Lt. Candeis dying when trapped in a fire on Middle Street. And "Red" Dube and John Kozior dead from heart attacks.

"It takes something out of you when you lose one of your people. One of the hardest things on the job is notifying the widow. I've had to do it several times and it never gets easier."

The changing face of the department shows a younger force than when Shea came on. "It's a much younger group generally than in years gone by," said Shea, who wears Badge Number 1, the senior of all the department's employees. "There were 103 of us who came on duty the same day. I'm the last one left."

FIRE CHIEF PREPARES TO RETIRE—SHEA REFLECTS ON LESSONS LEARNED IN 42 YEARS OF BATTLING BLAZES

(By Thomas Frank)

FALL RIVER.—The year was 1958. The place was a four-story rooming house engulfed in flames.

A tall, third-generation firefighter named Louis A. Shea Jr. ventured into the house to look for a man reported missing. Shea almost didn't come out.

He did two things firefighters would never do today: He failed to wear a mask (firefighters didn't have them) and he went in alone.

Shea couldn't find the man; then he couldn't find his way out. Smoke had almost filled the corridor and he wondered whether he would get out. He dropped to his stomach and began sliding along the floor, pounding at each door hoping it would lead to the stairway. Eventually he found it and escaped uninjured—but wiser.

"I broke the rules by going into a place like that alone," Shea said yesterday. "You should be with a partner."

Shea, chief of the Fall River Fire Department for 13 years, has many alarming and fond memories as he prepares to retire on Feb. 2, 42 years after he joined the department as a premedical student at Providence College.

State law would require Shea to retire by May, shortly after he turns 65, but Shea said he chose Feb. 2 because "it's the anniversary of my appointment. Just nostalgia, I guess."

A combination of nostalgia and fate got Shea into firefighting. His grandfather, Michael, became a city firefighter in 1896 and his father, Louis Sr., joined the department in 1920 and rose to the rank of fire-prevention inspector.

"Firefighting's in your blood," said Shea, who said he dislikes publicity and hopes to retire without a party or fanfare. In 1948, when he was a junior at PC, he joined the department, working the night shift. His grades were not good enough to get him into medical school, so Shea stayed with the Fire Department.

"I love being a firefighter," Shea said. "There's something—it's hard to explain—the adrenaline gets going and there's a lot of satisfaction doing a good job. There's a great challenge to putting out a fire."

Perhaps no challenge was greater than the massive Notre Dame Church fire in 1982, which destroyed or damaged 37 buildings, many of them homes. "The fire was raging out of control and got into heavily populated neighborhoods," Shea recalled. "I didn't know how we were going to stop it. You agonize over trying to save lives, so I decided to set up a defensive line on Pleasant Street. My biggest fear was whether people were going to get burned to death."

The fire was put out eventually, and no one was injured. But Shea attributes that to fate as well as skill: the fire began at 2 p.m. "If it was 2 a.m. I'm sure we would have had some fire deaths," Shea said.

In addition to the church blaze and two major mill fires, Shea has contended with changing responsibilities, such as mandatory inspections of mills and underground gasoline tanks, and a department that has been cut from 285 to 255 people by the restraints of Proposition 2½, which limits the taxes municipalities can collect.

"The environment is different," Shea said. "There are a great number of plastics and chemicals, which create more problems. There's greater peril to firefighters today than when everything was wood and paper."

But Shea also has seen the advent of smoke detectors in every apartment, which he calls "one of the best things we've ever had."

Shea will be the third senior department head the city has lost in recent months. Albert Mercier, administrator of the Department of Assessment, retired at the end of last year and Police Chief Ronald Andrade died in November.

Shea said his successor, who has not been appointed, will oversee a move toward greater fire prevention. Shea expects to see states require sprinkler systems in new homes and perhaps eventually in old homes.

Shea said he would have continued to work past age 65, but he is philosophical about his departure: "You get to a point when you have to let new people with new ideas come in."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 3, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 4

8:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1880, to revise title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates.
SR-253

Labor and Human Resources
Business meeting, to consider the nominations of Lynne Vincent Cheney, of Wyoming, to be Chairperson of the National Endowment for the Humanities, National Foundation on the Arts and the Humanities, and Glen L. Bower and Charles J. Chamberlain, both of Illinois, to be Members of the Railroad Retirement Board, and pending legislation.
SD-430

9:15 a.m.
Veterans' Affairs
To resume hearings on S. 1398 and S. 1332, bills to establish a Commission on the Future Structure of Veterans Health Care to make recommendations for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs.
SR-418

9:30 a.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1991, focusing on environmental programs.
SR-222

Armed Services
Manpower and Personnel Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1991, focusing on officer procurement programs and the management and operations at Military Service Academies.
SD-628

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for energy and water development programs.
SD-192

Banking, Housing, and Urban Affairs
To continue oversight hearings on modernizing the financial services industry.
SD-538

Foreign Relations
To hold hearings on the nominations of Nelson C. Ledsky, of Maryland, for the rank of Ambassador during his tenure of service as Special Cyprus Coordinator, Richard E. Bissell, of Virginia, to be an Assistant Administrator for Science and Technology, C. Anson Franklin, of Virginia, to be an Administrator for External Affairs, and Henrietta Hugentobler Holsman, of California, to be an Assistant Administrator for Private Enterprise, all of the Agency for International Development, and James Henry Michel, of Virginia, to be an Assistant Administrator for Latin America and the Caribbean, Agency for International Development, and to serve also as a Member of the Board of Directors of the Inter-American Foundation.
SD-419

1:30 p.m.
Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
To hold hearings to review the July 1989 Summit Declaration on the Global Environment.
SD-419

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for energy and water development programs.
SD-192

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 626, to revise the Lanham Trademark Act to prohibit the importation or sale of goods manufactured outside the U.S. and bearing an identical trademark of goods manufactured within the U.S.
SD-226

Small Business
To resume hearings on the President's proposed budget request for fiscal year 1991 for the Small Business Administration.
SR-428A

2:30 p.m.
Judiciary
To hold hearings on the nominations of Joseph M. Hood, to be United States District Judge for the Eastern District of Kentucky, Raymond C. Clevenger, III, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit, Robert E. Jones, to be United States District Judge for the District of Oregon, and D. Brock Hornby, to be United States District Judge for the District of Maine.
SD-430

APRIL 5

8:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 1400, to regulate interstate commerce by providing for a uniform product liability law.
SR-253

Energy and Natural Resources
To hold hearings on S. 324, to establish a national energy policy to reduce global warming and promote energy conservation and efficiency, and S. 2191, to revise the National Energy Conservation Policy Act to replace energy performance goals for Federal buildings.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Navy and Marine posture.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Postal Service, and the National Archives.
SD-116

Banking, Housing, and Urban Affairs
To hold hearings on S. 2028, to revise the International Banking Act of 1978 and the Securities Exchange Act of 1934 to provide for fair trade in financial services.
SD-538

Finance
To hold hearings to examine the security of retirement annuities provided by insurance companies.
SD-215

Governmental Affairs
Business meeting, on the nomination of Richard G. Austin, of Illinois, to be Administrator of the General Services Administration, and S. 1742, to further the goals of the Paperwork Reduction Act (P.L. 96-511), and comprehensively strengthen agency responsibility and accountability of information resources management.
SD-342

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Foundation on the Arts and Humanities, focusing on the National Endowment for the Humanities.
SD-430

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Emergency Management Agency.
SD-192

Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1991, focusing on chemical deterrent programs.
SR-222

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2117 and H.R. 2570, bills to designate certain lands as wilderness in the State of Arizona.
SD-366

Foreign Relations
To hold oversight hearings to review the state of the world's children.
SD-419

Judiciary
To hold hearings on the nominations of Lawrence M. McKenna, to be U.S. District Judge for the Southern District of New York, James F. McClure, Jr., to be U.S. District Judge for the Middle District of Pennsylvania, David H. Souter, of New Hampshire, to be U.S. Circuit Judge for the First Circuit, and Samuel A. Alito, Jr., of New Jersey, to be U.S. Circuit Judge for the Third Circuit.
SD-226

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:30 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 1741, to revise the Federal Aviation Act of 1958 to increase competition among commercial air carriers at the Nation's major airports.
SR-253

APRIL 6

9:00 a.m.
Labor and Human Resources
To resume hearings to review the Bipartisan Commission Comprehensive Health Care (Pepper Commission) recommendations on universal health care issues.
SD-430

9:30 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold oversight hearings on the implementation of the Omnibus Taxpayer Bill of Rights (P.L. 100-647).
SD-215

Governmental Affairs
Government Information and Regulation Subcommittee
To resume hearings on the quality of U.S. health promotion statistics.
SD-342

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Government Printing Office and the General Accounting Office.
SD-116

Banking, Housing, and Urban Affairs
To hold hearings on the General Accounting Office's final audit of the Federal Savings and Loan Insurance Corporation (FSLIC).
SD-538

APRIL 18

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Association.
SH-216

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the De-

partment of Housing and Urban Development.
SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Park Service, Department of the Interior, and the National Gallery of Art.
S-128, Capitol

APRIL 19

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 1289, to improve the management of forests and woodlands and the production of forest resources on Indian lands.
SR-485

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Small Business Administration, and the Legal Services Corporation.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak).
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on deficiency payment problems associated with barley.
SR-332

Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on S. 2205, to designate certain lands in the White Mountain National Forest, Maine as the Caribou-Speckled Mountain Wilderness, and as components of the National Wilderness Preservation System.
SR-485

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Eastern Europe.
SD-138

Commerce, Science, and Transportation
To hold hearings on the nomination of John K. Lauber, of Maryland, to be a Member of the National Transportation Safety Board.
SR-253

2:15 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Energy, focusing on atomic energy defense programs.
SD-116

APRIL 20

9:30 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Thomas L. Sansonetti, of Wyoming, to be Solicitor, Department of the Interior.
SD-366

APRIL 23

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the cost of production.
SH-216

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Forest Service of the Department of Agriculture.
SD-192

Select on Indian Affairs
To hold oversight hearings on the Indian Federal acknowledgement process, including S. 611 and S. 912, bills to establish administrative procedures to determine the status of certain Indian groups.
SR-485

APRIL 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on the National Guard and Reserves.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Transportation Safety Board and the Federal Highway Administration.
SD-138

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the Department of Energy's superconducting super collider program.
SD-366

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on refugee programs.
SD-138

APRIL 25

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the National Science Foundation and the upcoming scientific manpower crisis.
SR-253

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Attorney General.
S-146, Capitol

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration.
SD-116

2:00 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the jurisdiction between the Commodity Futures Trading Commission and the Securities Exchange Commission.
SR-332

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1981, to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 370, to establish the American Heritage Trust to provide funding for the preservation of America's natural, historical, cultural, and outdoor recreational heritage.
SD-366

APRIL 26

9:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Transportation Safety Board.
SR-253

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration.
S-126, Capitol

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense intelligence programs.
S-407, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of State.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Accounting Office.
SD-138

2:00 p.m.
Energy and Natural Resources
To resume oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 1957, to provide for the efficient and cost effective acquisition of nondevelopmental items for federal agencies.
SD-342

APRIL 27

9:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1991 for the Federal Aviation Administration.
SR-253

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Foundation on the Arts and Humanities.
SD-430

APRIL 30

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol
Select on Indian Affairs
To hold oversight hearings on provisions of S. 1203, to provide tax incentives for businesses on Indian reservations, and S. 1650, to allow an Indian employment opportunity credit for qualified employment expenses of eligible employers on Indian reservations; to be followed by a business meeting to mark up S. 143, to establish the Indian Development Finance Corporation to provide development capital for Indian businesses.
SR-485

MAY 1

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the Department of Energy's uranium enrichment program.
SD-366

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Supreme Court of the United States, the Judiciary, and the Federal Trade Commission.
S-146, Capitol

MAY 2

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

MAY 3

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on strategic programs.
S-407, Capitol

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

10:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Council on Environmental Quality, the National Space Council, and the Office of Science and Technology Policy.
SD-116

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Corps of Engineers.
SD-192

MAY 4

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Resolution Trust Corporation.
SD-138

MAY 7

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service and the Office of Surface Mining, Department of the Interior.
S-128, Capitol

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings to examine the Indian health service nurse shortage.
SR-485

MAY 8

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.
SD-192

2:15 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1848, to implement and provide financial assistance for a research and demonstration program for natural gas and coal cofiring technologies.
SD-366

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

MAY 9

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1981, to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment.
SR-253

MAY 10

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 1400, to regulate interstate commerce by providing for a uniform product liability law.
SR-253
Select on Indian Affairs
To hold oversight hearings on initiatives for Indian programs for the 1990s.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans Administration.
S-126, Capitol
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1991 for the Federal Aviation Administration.
SR-253

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings on S. 1021, to provide for the protection of Indian graves and burial grounds, and S. 1980, to provide for the repatriation of Native American group or cultural patrimony.
SR-485

MAY 15

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on semi-conductors and the future of the U.S. electronics industry.
SR-253

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 7

2:00 p.m.
Select on Indian Affairs
To hold hearings on S. 2203, to settle certain claims of the Zuni Indian Tribe, S. 2075, to authorize grants to improve the capability of Indian tribal governments to regulate environmental quality, and S. 1934, to revise the United States Housing Act of 1937 to provide for the payment of fees for certain services provided to Indian Housing assisted under such Act.
SR-485

JUNE 12

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 19

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

JULY 12

9:30 a.m.
Select on Indian Affairs
To hold hearings to examine protective services for Indian children, focusing on alcohol and substance abuse programs.
SR-485

CANCELLATIONS

APRIL 4

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366